

# FEDERAL REGISTER

THE NATIONAL ARCHIVES  
LITTERA SCRIPTA MANET  
OF THE UNITED STATES  
1934

VOLUME 8 NUMBER 72

Washington, Tuesday, April 13, 1943

## Regulations

### TITLE 6—AGRICULTURAL CREDIT

#### Chapter I—Farm Credit Administration

##### PART 32—THE FEDERAL LAND BANK OF SPOKANE

###### FEES

Effective ten days after the filing of this document with the Federal Register Division, §§ 32.2, 32.3 and 32.6 of Title 6, Code of Federal Regulations, are revoked. (Res. Bd. Dir. March 24, 1943).

Effective ten days after the filing of this document with the Federal Register Division, § 32.1 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 32.1 *Application fees; payable with application.* On each application a fee is charged as follows:

- (a) Application for new loan, \$10.00.
- (b) Application for additional loan, \$10.00.
- (c) Application for division of loan, \$5.00.
- (d) Application for partial release of mortgage security, \$10.00.
- (e) Application for release from personal liability on loan, \$10.00.

In the event no appraisal of the property is made, the entire application fee is refunded.

Where, in connection with an application for a new loan, an additional loan, or the division of an existing loan, it appears necessary for the bank to make a non-resident personal investigation, an additional fee of \$7.50 is charged. Such additional fee is refunded if the investigation proves to be unnecessary or is not made.

On each loan closed exceeding \$5,000.00 in amount, an additional fee is charged equal to \$1.00 for each \$1,000.00 or fraction thereof, by which the amount loaned exceeds \$5,000.00: *Provided*, That the amount of an additional loan shall be determined by the amount of new money loaned and that such additional fee on joint land bank and Land Bank Commissioner loans shall be computed on the aggregate amount loaned.

Where a reappraisal in connection with an application for a new loan, an additional loan, or the division of an existing loan, is required because of delay of the applicant, or is made at the applicant's request, a second fee is charged, computed as on the original application.

A single fee is charged on an application applicable to single land bank or Land Bank Commissioner loans, or to joint land bank or Land Bank Commissioner loans.

Each applicant will also be required to pay actual cash outlays for abstract expenses, title insurance fees, notarial fees, recording fees, or other disbursements necessary for the completion of the transaction.

(Sec. 13 "Ninth", 39 Stat. 372, sec. 26, 48 Stat. 44, sec. 32, 48 Stat. 48, as amended; secs. 1, 2, 48 Stat. 344, 345; 12 U.S.C. 781 "Ninth", 723 (e), 1016, 1016 (e), 1020, 1020 (a), and Sup.; 6 C.F.R. 19.326) (Res. Bd. Dir. March 24, 1943)

[SEAL] THE FEDERAL LAND BANK  
OF SPOKANE,  
By HENRY MATTHEW,  
Vice-President.

[F. R. Doc. 43-5705; Filed, April 12, 1943;  
9:55 a. m.]

### TITLE 7—AGRICULTURE

#### Chapter IX—Food Distribution Administration

##### PART 961—MILK IN THE PHILADELPHIA, PENNSYLVANIA, MARKETING AREA

Order amending the order regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area.

It is provided in Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, (hereinafter referred to as the "act"), that the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary") shall, subject to the provisions of the act, issue and amend orders regulat-

(Continued on next page)

## CONTENTS

### REGULATIONS AND NOTICES

|  | Page |
|--|------|
| <b>BITUMINOUS COAL DIVISION:</b>   |      |
| District 14, minimum price schedule amended.....   | 4753 |
| Hearings, etc.:  |      |
| Byers, Earl.....   | 4798 |
| Cove Hill Coal Co.....   | 4799 |
| Graden Coal Co.....  | 4799 |
| Southwest Coal Sales.....  | 4798 |
| <b>BOARD OF ECONOMIC WARFARE:</b>  |      |
| General licenses; change in effective date of amendment.....                                   | 4756 |
| <b>COAST GUARD:</b>  |      |
| Transportation or storage of explosives, etc., on board vessels; miscellaneous amendments..... | 4792 |
| <b>FARM CREDIT ADMINISTRATION:</b>   |      |
| Spokane Federal Land Bank; application fees.....   | 4749 |
| <b>FEDERAL COMMUNICATIONS COMMISSION:</b>  |      |
| Hearings, etc.:  |      |
| Parker Bros. and Co., Inc. (WDUG).....   | 4801 |
| Wansley, W. A. (WOAF).....   | 4801 |
| Ship service; departure from requirements.....   | 4794 |
| <b>FEDERAL TRADE COMMISSION:</b>   |      |
| Cease and desist orders:   |      |
| Gallant Trading Co.....  | 4752 |
| Grabosky Bros.....   | 4751 |
| Richman Bros. Co.....  | 4753 |
| <b>FISHERIES COORDINATOR:</b>  |      |
| Alaskan salmon canning industry; amendments.....   | 4795 |
| <b>FOOD DISTRIBUTION ADMINISTRATION:</b>   |      |
| Milk (FDO 11, Am. 1).....  | 4751 |
| Philadelphia, Pa., marketing area; handling of milk.....                                       | 4749 |
| <b>GENERAL LAND OFFICE:</b>  |      |
| New Mexico; land withdrawal.....   | 4799 |
| <b>INTERSTATE COMMERCE COMMISSION:</b>   |      |
| Motor vehicle contract carriers of property; form, publication, etc., of schedules.....        | 4795 |
| <b>OFFICE OF DEFENSE TRANSPORTATION:</b>   |      |
| Motor vehicle common carriers of property; recommendation for joint action plans.....          | 4802 |

(Continued on next page)

# FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year, payable in advance. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue. Remit money order for subscription or single copies payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

Telephone information: DIstrict 0525.

## IMPORTANT NOTICE

Beginning May 1, 1943, the subscription rates to the FEDERAL REGISTER will be as follows: \$15.00 per year, \$1.50 per month, single copies 15¢ minimum. Prior to May 1, subscribers may renew or extend their subscriptions for one year at the \$12.50 rate.

## CONTENTS—Continued

| OFFICE OF PRICE ADMINISTRATION: Continued.           | Page |
|--|------|
| Adjustments, exceptions, suspension orders:          |      |
| Armour and Co.                                       | 4809 |
| Bluebell Globe Mfg. Co.                              | 4807 |
| Booth, Hewitt H.                                     | 4785 |
| Chambers, W. E.                                      | 4791 |
| Custer Coal Co.                                      | 4806 |
| Fitzgibbons Boiler Co., Inc.                         | 4803 |
| Furniture manufacturers (2 documents)                | 4806 |
| Haddock Mining Co.                                   | 4802 |
| Hickory picker stick blanks                          | 4785 |
| Hirst, John M., and Co.                              | 4806 |
| Jones, T. A. D., and Co.                             | 4803 |
| Kelly, George J., Inc.                               | 4808 |
| Knickerbocker Mills Co.                              | 4785 |
| Libby, McNeill and Libby                             | 4785 |
| Mohawk Carpet Mills, Inc.                            | 4781 |
| Multicraft Corp.                                     | 4806 |
| Owens-Illinois Glass Co.                             | 4803 |
| Pilot Mills Co.                                      | 4802 |
| Sall, George, Metals Co.                             | 4781 |
| Wellco Shoe Corp.                                    | 4791 |
| West Spadra Coal Co.                                 | 4791 |
| Wills Quarry   | 4803 |
| Wilson Radio Distributing Co.                        | 4783 |
| Wrigley Bros.  | 4807 |
| Arizona; designation as critical meat shortage area: |      |
| Beef, etc. (Rev. MPR 169, Order 28)                  | 4807 |
| Hogs, etc. (Rev. MPR 148, Order 33)                  | 4807 |
| Lamb, etc. (Rev. MPR 239, Order 1)                   | 4808 |

## CONTENTS—Continued

| OFFICE OF PRICE ADMINISTRATION— Continued.   | Page       |
|--|------------|
| Beef and veal carcasses and wholesale cuts (Rev. MPR 169, Am. 5)   | 4786       |
| Bituminous coal delivered from mine, etc. (MPR 120, Corr. to Am. 52)   | 4785       |
| Commodities or services under government contracts, etc.; applications for adjustment of maximum prices (Supp. Order 9, Am. 3) | 4785       |
| Defense-rental areas:  |            |
| 46 areas (Designation and Rent Declaration 31, Am. 5)  | 4779       |
| 262 areas (Designation and Rent Declaration 25, Am. 12)  | 4779       |
| Beaufort, S. C., area:   |            |
| Accommodations other than hotels and rooming houses (MRR 64)   | 4770       |
| Hotels and rooming houses (MRR 65A)  | 4775       |
| Exceptions; certain services (Rev. SR 11, Am. 17)  | 4783       |
| Food rationing; institutional users (Gen. RO 5, Ams. 11 and 12) (2 documents)  | 4784, 4785 |
| Foods, processed (RO 13, Am. 11)   | 4784       |
| Fuel oil rationing (RO 11, Am. 59)   | 4784       |
| Hogs and wholesale pork cuts, dressed (Rev. MPR 148, Am. 3)  | 4785       |
| Lamb and mutton carcasses and cuts; wholesale and retail (Rev. MPR 239, Ams. 2 and 3) (2 documents)                            | 4786       |
| Lumber, Douglas fir plywood (Rev. MPR 13, Am. 3)   | 4779       |
| Machines and parts and machinery services (MPR 136, Am. 80)  | 4788       |
| Materials, idle or frozen, sold under Priorities Reg. 13 (MPR 204, Am. 2)  | 4785       |
| Meat, fats, fish and cheeses (RO 16, Am. 7)  | 4784       |
| Petroleum and petroleum products (RPS 88, Ams. 90 and 91) (2 documents)  | 4782       |
| Pig tin (RPS 17, Am. 3)  | 4782       |
| Puerto Rico; sales:  |            |
| Coffee (MPR 183, Am. 23)   | 4788       |
| Wheat flour (MPR 183, Am. 22)  | 4781       |
| Restaurants, authority to fix prices (Gen. Order 50)   | 4708       |
| Rice and rice milling by-products, finished (Rev. MPR 150)   | 4788       |
| Sellers violating Robinson-Patman Act; applications for adjustment (Supp. Order 41)  | 4782       |
| Services (MPR 165, Am. 18)   | 4782       |
| Tires, tubes, recapping and camelback; rationing (RO 1A, Am. 23)   | 4769       |
| PETROLEUM ADMINISTRATION FOR WAR:  |            |
| Petroleum production operations (PAO 11, Supp. Order 6)  | 4792       |

## CONTENTS—Continued

| SECURITIES AND EXCHANGE COMMISSION:                                  | Page       |
|--|------------|
| Hearings, etc.:  |            |
| American States Utilities Corp., et al.                              | 4810       |
| Easton Transit Co., et al.   | 4809       |
| Houston Gulf Gas Co.   | 4810       |
| National Power & Light Co., et al.                                   | 4811       |
| New England Public Service Co. and New York Power and Light Corp.    | 4811       |
| North American Co., et al. (2 documents)                             | 4810, 4811 |
| SELECTIVE SERVICE SYSTEM:  |            |
| Classes not requiring physical examination                           | 4755       |
| Deferrals by reason of family relationship or dependency             | 4754       |
| Establishments for conscientious objectors; projects:                |            |
| Chungking, China   | 4755       |
| Coast and Geodetic Survey  | 4755       |
| Dairy farm   | 4755       |
| Dairy herd tester  | 4756       |
| STATE DEPARTMENT:  |            |
| Proclaimed List of Blocked Nationals                                 | 4753       |
| TREASURY DEPARTMENT:   |            |
| Bonds:   |            |
| 2 percent 1950-52  | 4797       |
| 2½ percent 1964-69   | 4796       |
| Certificates of indebtedness, 7½ percent                             | 4796       |
| WAGE AND HOUR DIVISION:  |            |
| Cigar industry; minimum wage rates                                   | 4801       |
| Learner employment certificates; issuance to various industries      | 4799       |
| WAR PRODUCTION BOARD:  |            |
| Closures, glass container (M-104)                                    | 4757       |
| Controlled materials plan (CMP Reg. 1, Dir. 2)                       | 4763       |
| Electronic Research Supply Agency, delegation of authority (Dir. 14) | 4756       |
| Motor vehicle common carriers of property (Certificate 51)           | 4815       |
| Paints, marine (P-65)  | 4764       |
| Plywood, softwood (L-150-a)  | 4763       |
| Pumps (L-246)  | 4768       |
| Railroad equipment (L-97, Int. 2)                                    | 4767       |
| Rubber tires, etc. (M-15-g)  | 4766       |
| Suspension orders:   |            |
| Atlantic and Pacific Coal and Oil Co., Inc.                          | 4766       |
| Bloomfield Mfg. Co.  | 4766       |
| Specialty Mattress Co.   | 4765       |
| Wiring:  |            |
| Electrical devices (L-277)   | 4767       |
| Farmstead material (P-144)   | 4764       |

ing such handling of certain agricultural commodities (including milk and its products) as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodities.

§ 961.00 Findings and determinations—(a) Findings. Pursuant to the act and rules of practice and procedure

governing the formulation of marketing agreements and marketing orders (7 CFR 900.1-900.17; 6 F.R. 6570, 7 F.R. 3350, 8 F.R. 2813), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. Upon the basis of evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The aforesaid order, as amended, and all of the terms and conditions of said order, as amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in the Philadelphia, Pennsylvania, marketing area, a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect marketing supplies of and demand for such milk, and the minimum prices set forth in the aforesaid order, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The aforesaid order, as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in their respective classes of commercial and industrial activity specified in the aforesaid tentatively approved marketing agreement, as amended, upon which a hearing has been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings herein set forth.

(b) *Determinations.* It is hereby determined that handlers of at least 50 percent of the volume of milk covered by said order, as hereby amended, which is marketed within the Philadelphia, Pennsylvania, marketing area refused or failed to sign the tentatively approved marketing agreement, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area; and it is further determined that

(1) The refusal or failure of such handlers to sign such tentatively approved marketing agreement, as hereby amended, tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this amendment to the order is the only practical means pursuant to the declared policy of the act of advancing the interest of producers of milk which is produced for sale in the Philadelphia, Pennsylvania, marketing area; and

(3) The month of March 1943 is the representative period for ascertaining the producers who have been engaged in the production for market of milk covered in the aforesaid order, as hereby amended.

(4) The issuance of this order is approved or favored by at least three-fourths of the producers who, during the determined representative period, were engaged in the production for market of milk covered in the aforesaid order, as hereby amended.

**§ 961.000 Order relative to handling.** It is, therefore, ordered that, from and after the effective date hereof, the handling of milk in the Philadelphia, Pennsylvania, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended in the following respect:

Delete § 961.4 (a) (1) and substitute therefor the following:

(1) Class I milk—\$4.05 per hundred-weight.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U.S.C. 601 et seq.)

Issued at Washington, D. C., this 7th day of April 1943, to be effective on and after the 12th day of April 1943. Witness my hand and the official seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,  
Secretary of Agriculture.

Approved: April 8, 1943.

JAMES F. BYRNES,  
Director of Economic Stabilization.

[F. R. Doc. 43-5610; Filed, April 9, 1943;  
11:30 a. m.]

## Chapter XI—Food Distribution Administration

[FDO 11, Amendment 1]

### PART 1401—DAIRY PRODUCTS

#### MILK MARKETING ECONOMIES

Pursuant to the provisions of Executive Order No. 9280, dated December 5, 1942, and Executive Order No. 9322, dated March 26, 1943, Food Distribution Order No. 11 (8 F.R. 1090), § 1401.21, is amended as follows:

1. By striking out (b) (1) and inserting in lieu thereof the following:

(1) No handler may deliver milk in containers of less than one quart in size to homes of consumers, and no handler may sell or otherwise dispose of milk in containers of less than one quart in size to any person if he knows, or if he has reason to believe, that such milk is for home consumption.

2. By striking out (b) (2) and inserting in lieu thereof the following:

(2) No store, restaurant, hotel, or similar establishment shall purchase or

otherwise acquire milk or cream from more than two handlers during any three consecutive days, except in instances where each delivery received by such store, restaurant, hotel, or similar establishment, at the delivery point, is in excess of 300 quarts.

3. By striking out (b) (4) and inserting in lieu thereof the following:

(4) No store, hotel, restaurant, or similar establishment shall refuse to accept delivery of any milk or cream previously ordered by it; no store, hotel, restaurant or similar establishment shall return, or offer to return, milk or cream previously delivered to it; and no handler shall accept the return of milk or cream previously delivered to such store, hotel, restaurant, or similar establishment.

4. By inserting at the end of (c) thereof, the following new provisions:

(3) Upon application by one or more handlers in any marketing area, and after demonstration to the satisfaction of the Director that compliance with the provisions of § 1401.21 (b) (5) (i), insofar as they require a deposit on glass containers used in the delivery of milk to homes of consumers, will not tend to effectuate an economy in the handling of milk or cream by any or all handlers in such area, and that exemption from such requirement will not interfere with the operation of the provisions of § 1401.21 (b) (5) (i), insofar as they require a deposit on glass containers used in the delivery of milk to places other than homes, the Director may, as to any or all handlers in such area, grant an exemption from the provisions which require a deposit on glass containers used in the delivery of milk to homes of consumers.

(4) The provisions of § 1401.21 (b) (1), (2), (3), (4), and (5) shall not be applicable in areas or places other than cities, towns, villages, or municipalities having a population of 5,000 persons or over.

This amendment shall become effective as of 12:01 e. w. t., April 12, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807)

Issued this 9th day of April 1943.

[SEAL] CLAUDE R. WICKARD,  
Secretary of Agriculture.

[F. R. Doc. 43-5639; Filed, April 9, 1943;  
3:57 p. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket No. 4740]

#### PART 3—DIGEST OF CEASE AND DESIST ORDERS

##### GRABOSKY BROTHERS

§ 3.45 (c) *Discriminating in price—Direct discrimination—Compensatory*

payments. In connection with the sale, in commerce, of any of respondents' cigars, paying or contracting to pay, or granting or allowing anything of value to or for the benefit of any customer as compensation or in consideration of any counter, showcase or window displays or other services or facilities furnished by or through such customer in connection with the processing, handling, sale or offering for sale of any such product or commodity, unless such payments or allowances are available on proportionally equal terms to all other customers competing with such compensated customers in the distribution of such product or commodity; prohibited. (Sec. 2 (d), 49 Stat. 1527; 15 U.S.C., sec. 13d) [Cease and desist order, Grabosky Brothers, Docket 4740, April 6, 1943]

*In the Matter of Benjamin L. Grabosky and Samuel Grabosky, Individuals Trading as Grabosky Brothers*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of April, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the amended answer of respondents, in which amended answer respondents admit all the material allegations of fact set forth in said complaint and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusions that respondents have violated the provisions of subsection (d) of section 2 of the Clayton Act, as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C. Title 15, sec. 13);

It is ordered, That the respondents, Benjamin L. Grabosky and Samuel Grabosky, individually, and trading under the name of Grabosky Brothers, or trading under any other name, their representatives, agents and employees, jointly or severally, directly or through any corporate or other device, in connection with the sale of any of respondents' cigars in commerce, as "commerce" is defined in the said Clayton Act, do forthwith cease and desist:

From paying or contracting to pay, or granting or allowing anything of value to or for the benefit of any customer as compensation or in consideration of any counter, showcase or window displays or other services or facilities furnished by or through such customer in connection with the processing, handling, sale or offering for sale of any such product or commodity, unless such payments or allowances are available on proportionally equal terms to all other customers competing with such compensated customers in the distribution of such product or commodity.

It is further ordered, That the respondents, Benjamin L. Grabosky and Samuel Grabosky, individuals trading as Grabosky Brothers, shall, within sixty (60) days after service upon them of this

order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist herein set forth.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 43-5640; Filed, April 10, 1943;  
10:14 a. m.]

[Docket No. 4780]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GALLANT TRADING COMPANY

§ 3.6 (c 5) Advertising falsely or misleadingly—Condition of goods: § 3.6 (j) Advertising falsely or misleadingly—Government approval, connection or standards—Standards, specifications or source: § 3.6 (j 10) Advertising falsely or misleadingly—History of product or offering: § 3.6 (m 10) Advertising falsely or misleadingly—Manufacture or preparation: § 3.6 (o) Advertising falsely or misleadingly—Old or reclaimed as new: § 3.6 (cc) Advertising falsely or misleadingly—Source or origin—Government. In connection with offer, etc., in commerce, of respondents' merchandise, and among other things, as in order set forth, representing, directly or by implication, and when such is not the fact, (1) that respondents' shoes are perfect; (2) that respondents' mattresses are Army mattresses, or are new or perfect; (3) that respondents' mattresses were manufactured to Government specifications but have been rejected by the Government for some unknown reason; (4) that respondents' tarpaulins are perfect; or (5) that respondents' blankets are Army blankets; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Gallant Trading Company, Docket 4780, April 2, 1943]

§ 3.6 (a) Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Government goods: § 3.6 (a) Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Stock: § 3.6 (c 5) Advertising falsely or misleadingly—Condition of goods: § 3.6 (j 10) Advertising falsely or misleadingly—History of product or offering: § 3.6 (cc) Advertising falsely or misleadingly—Source or origin—Government: § 3.6 (ff 10) Advertising falsely or misleadingly—Unique nature or advantages. In connection with offer, etc., in commerce, of respondents' merchandise, and among other things, as in order set forth, (1) representing, directly or by implication, that respondents deal in Army goods exclusively, or that all of their merchandise is obtained from the Government; (2) misrepresenting in any manner, or by any means, the condition or origin of respondents' merchandise; or (3) representing, directly or by implication, that merchandise of the same

type and character as respondents' merchandise is not available to the public from other dealers; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Gallant Trading Company, Docket 4780, April 2, 1943]

*In the Matter of Isaac S. Brill, Herman A. Gallant, and Simon D. Brill, Co-partners, Trading as Gallant Trading Company*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of April, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents, stipulation as to the facts, and brief in support of the complaint (no brief having been filed by respondents and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Isaac S. Brill, Herman A. Gallant, and Simon D. Brill, individually and trading as Gallant Trading Company, or trading under any other name, and their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of respondents' merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that respondents' shoes are perfect, when such is not the fact.
2. Representing, directly or by implication, that respondents' mattresses are Army mattresses, or are new or perfect, when such is not the fact.
3. Representing, directly or by implication, that respondents' mattresses were manufactured to Government specifications but have been rejected by the Government for some unknown reason, when such is not the fact.
4. Representing, directly or by implication, that respondents' tarpaulins are perfect, when such is not the fact.
5. Representing, directly or by implication, that respondents' blankets are Army blankets, when such is not the fact.
6. Representing, directly or by implication, that respondents deal in Army goods exclusively, or that all of their merchandise is obtained from the Government.
7. Misrepresenting in any manner, or by any means, the condition or origin of respondents' merchandise.
8. Representing, directly or by implication, that merchandise of the same type and character as respondents' merchandise is not available to the public from other dealers.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the man-

ner and form in which they have complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 43-5641; Filed, April 10, 1943;  
10:14 a. m.]

[Docket No. 4844]

### PART 3—DIGEST OF CEASE AND DESIST ORDERS

#### THE RICHMAN BROTHERS COMPANY

§ 3.6 (a 10) *Advertising falsely or misleadingly—Comparative data or merits:* § 3.6 (1) *Advertising falsely or misleadingly—Indorsements, approval and testimonials:* § 3.6 (u) *Advertising falsely or misleadingly—Quality:* § 3.6 (dd 10) *Advertising falsely or misleadingly—Success, use or standing:* § 3.6 (ee 5) *Advertising falsely or misleadingly—Tests and investigations:* § 3.18 *Claiming indorsements or testimonials falsely.* In connection with offer, etc., in commerce, of men's clothing, representing, directly or indirectly, (1) that respondent's clothing has been tested or recommended by all consumers' research bodies in the United States which test clothing; (2) that all consumers' research bodies in the United States which test clothing have rated respondent's clothing to be of the best grade; or (3) that the leading consumers' research bodies in the United States have tested the outstanding brands of men's clothing and have found respondent's clothing to be first in the low-priced field; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, The Richman Brothers Company, Docket 4844, April 6, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of April, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, respondent's answer, and a stipulation as to the facts entered into by and between counsel for the Commission and counsel for the respondent upon the record, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

*It is ordered,* That the respondent, The Richman Brothers Company, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of men's clothing in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly, that respondent's clothing has been

tested or recommended by all consumers' research bodies in the United States which test clothing.

2. Representing, directly or indirectly, that all consumers' research bodies in the United States which test clothing have rated respondent's clothing to be of the best grade.

3. Representing, directly or indirectly, that the leading consumers' research bodies in the United States have tested the outstanding brands of men's clothing and have found respondent's clothing to be first in the low-priced field.

*It is further ordered,* That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 43-5642; Filed, April 10, 1943;  
10:14 a. m.]

### TITLE 22—FOREIGN RELATIONS

#### Chapter III—Proclaimed List of Certain Blocked Nationals

[Cumulative Supp. 6 to Rev. IV]

##### ADMINISTRATIVE ORDER

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Board of Economic Warfare, and the Coordinator of Inter-American Affairs, by Proclamation 2497 of the President of July 17, 1941 (6 F.R. 3555), Cumulative Supplement 6 containing certain additions to, amendments to, and deletions from The Proclaimed List of Certain Blocked Nationals, Revision IV of November 12, 1942 (7 F.R. 9510), is hereby promulgated.<sup>1</sup>

By direction of the President:

CORDELL HULL,  
Secretary of State.

RANDOLPH PAUL,  
Acting Secretary of the Treasury.

FRANCIS BIDDLE,  
Attorney General.

JESSE H. JONES,  
Secretary of Commerce.

MILO PERKINS,  
Executive Director,  
Board of Economic Warfare.

NELSON A. ROCKEFELLER,  
Coordinator of Inter-  
American Affairs.

APRIL 9, 1943.

[F. R. Doc. 43-5667; Filed, April 10, 1943;  
12:20 p. m.]

<sup>1</sup> Filed with the Division of the Federal Register in The National Archives. Requests for printed copies should be addressed to the Federal Reserve Banks or the Department of State.

### TITLE 30—MINERAL RESOURCES

#### Chapter III—Bituminous Coal Division

[Docket No. A-1905]

#### PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

##### ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 14 for the establishment of price classifications and minimum prices for the Hobbs #1, #2, and #3 Mines.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Hobbs #1, #2, and #3 Mines (Mine Index Nos. 79, 485 and 580, respectively), of the A. M. Hobbs Coal Co., (W. E. West) in District No. 14 for rail and truck shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

*It is ordered,* That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 334.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 334.24 (*General prices for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

*It is further ordered,* That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

*It is further ordered,* That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: March 23, 1943.

[SEAL]

DAN H. WHEELER,  
Director.

## TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 14

Note: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 334, Minimum Price Schedule for District No. 14 and supplements thereto.

## FOR RAIL SHIPMENTS

## § 334.5 Alphabetical list of code members—Supplement R

[Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel]

| Code member                        | Mine index No. | Mine name | Pro-duction group No. | Shipping point  | Railroad     | Freight origin group No. | Price classification by size group |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |
|------------------------------------|----------------|-----------|-----------------------|-----------------|--------------|--------------------------|------------------------------------|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|
|                                    |                |           |                       |                 |              |                          | 1                                  | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| Hobbs Coal Co., A. M. (W. E. West) | 79             | Hobbs #1  | 5                     | Hartford, Ark.  | MV           | 15                       |                                    |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |
| Hobbs Coal Co., A. M. (W. E. West) | 485            | Hobbs #2  | 5                     | Excelsior, Ark. | MV           | 15                       |                                    |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |
| Hobbs Coal Co., A. M. (W. E. West) | 580            | Hobbs #3  | 5                     | Mansfield, Ark. | ORI&P, SL-SF | 19                       |                                    |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |

\*Previously classified for these size groups. No changes requested.

## FOR TRUCK SHIPMENTS

## § 334.24 General prices for shipment into all market areas—Supplement T

| Code member index                  |  |  | Mine index No. | Mine     | Sub-district No. | County    | Prices and size group Nos. |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |
|------------------------------------|--|--|----------------|----------|------------------|-----------|----------------------------|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|
|                                    |  |  |                |          |                  |           | 1                          | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| Hobbs Coal Co., A. M. (W. E. West) |  |  | 79             | Hobbs #1 | 5                | Sebastian |                            |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |
| Hobbs Coal Co., A. M. (W. E. West) |  |  | 485            | Hobbs #2 | 5                | Sebastian |                            |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |
| Hobbs, A. M. Coal Co. (W. E. West) |  |  | 580            | Hobbs #3 | 5                | Sebastian |                            |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |

\*Previously priced for these size groups. No changes requested.

[F. R. Doc. 43-5600; Filed, April 9, 1943; 11:24 a. m.]

## TITLE 32—NATIONAL DEFENSE

## Chapter VI—Selective Service System

[Amendment 141, 2d Ed.]

## PART 622—CLASSIFICATION

## FAMILY RELATIONSHIP OR DEPENDENCY DEFERRAL

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779; E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Relocation Authority, I hereby amend the War Relocation Authority's Administrative Order No. 26, 7 F.R. 10512, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 622.31 to read as follows:

*Deferred by Reason of Family Relationship or Dependency*

§ 622.31 Class III-A: Man with child or children deferred by reason of main-

taining bona fide family relationship. (a) In Class III-A shall be retained or placed any registrant who with his child or children maintains a bona fide family relationship in their home, provided such status was acquired prior to December 8, 1941; except that, such a registrant shall not be retained or placed in Class III-A if (1) he is entitled to be placed in Class III-C or (2) he is within a group which the Director of Selective Service has directed or hereafter directs shall be classified or reclassified without reference to their eligibility for Class III-A deferment.

(b) The classification of all registrants in Class III-A who, under the provisions of paragraph (a) of this section, will not be retained therein shall be immediately reopened and they shall be classified anew.

2. Amend § 622.31-1 to read as follows:

§ 622.31-1 Class III-B: Formerly deferred by reason of dependency and ac-

divorced wife, parent, brother, sister, grandparent, grandchild, a person under 18 years of age whose support he has assumed in good faith, or a person of any age physically or mentally handicapped whose support he has assumed in good faith, provided such status was acquired prior to December 8, 1941.

(b) A registrant placed in Class III-C shall be retained in that class so long as he is necessary to and regularly engaged in an agricultural occupation or an agricultural endeavor essential to the war effort and until a satisfactory replacement in such agricultural occupation or agricultural endeavor can be obtained; Provided, That he continues to be entitled to deferment under the provisions of paragraph (a) of this section.

4. Amend § 622.32 to read as follows:

§ 622.32 Class III-D: Man deferred by reason of extreme hardship and privation to wife, child, or parent. In Class III-D shall be placed any registrant not

otherwise deferred if (1) it is determined that his induction into the land or naval forces would result in *extreme* hardship and privation to a wife, child, or parent with whom he maintains a bona fide family relationship in their home and (2) by reason of such determination it is considered advisable that he be deferred.

5. Amend the regulations by deleting § 622.35 in its entirety.

6. Amend § 622.36 to read as follows:

§ 622.36 *Director may direct eligibility for particular classification be disregarded.* The Director of Selective Service, notwithstanding any other provisions of these regulations, may direct that any or all registrants may be classified or reclassified without regard to their eligibility for a particular classification.

7. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,  
Director.

MARCH 29, 1943.

[F. R. Doc. 43-5690; Filed, April 12, 1943; 9:30 a. m.]

[Amendment 142, 2d Ed.]

#### PART 623—CLASSIFICATION PROCEDURE

##### CLASSES NOT REQUIRING PHYSICAL EXAMINATION

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraph (c) and add paragraph (e) to § 623.21 to read as follows:

§ 623.21 *Consideration of classes not requiring physical examination.* \* \* \*

(c) If the registrant is not classified in Class I-C or Class IV-A under paragraph (a) of this section and is not classified in Class IV-C under paragraph (b) of this section, consideration shall next be given to the following classes in the order listed, and the registrant shall be classified in the first class for which grounds are established:

|              |             |
|--------------|-------------|
| Class IV-D.  | Class II-C. |
| Class IV-B.  | Class II-B. |
| Class III-C. | Class II-A. |
| Class III-A. |             |

(e) If the registrant is not classified in one of the classes set forth in paragraphs (a), (b) (c), or (d) of this section, consideration shall next be given to whether he qualifies for classification in Class III-D.

2. The foregoing amendment to the Selective Service Regulations shall be

effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,  
Director.

MARCH 29, 1943.

[F. R. Doc. 43-5691; Filed, April 12, 1943; 9:30 a. m.]

[Order No. 97]

#### DAIRY FARM PROJECT

##### ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the assignment of conscientious objectors to individual dairy farms to be work of national importance, to be known as Civilian Public Service Camp No. 97. Said project, located in Counties designated by the Agricultural Labor Administration of the Department of Agriculture, will be the base of operations for work on individual dairy farms selected by the United States Employment Service, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and non-combatant military service and have been placed in Class IV-E, may be assigned to said project in lieu of their induction for military service.

Men assigned to the afore-mentioned project will be engaged in work on dairy farms and shall be under the direction of the individual farmer. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,  
Director.

APRIL 9, 1943.

[F. R. Doc. 43-5692; Filed, April 12, 1943; 9:30 a. m.]

[Order No. 98]

#### COAST AND GEODETIC SURVEY PROJECT

##### ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Coast and Geodetic Survey Project to be work of

national importance, to be known as Civilian Public Service Camp No. 98. Said project, located within several States, will be the base of operations for work under the direction of the Coast and Geodetic Survey, Department of Commerce, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and non-combatant military service and have been placed in Class IV-E, may be assigned to said project in lieu of their induction for military service.

Men assigned to said project will be engaged in gathering basic geodetic data essential for map and chart making and will be under the direction of the Supervisor of Field Parties of the Coast and Geodetic Survey, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder, as well as the regulations of the Coast and Geodetic Survey. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,  
Director.

APRIL 9, 1943.

[F. R. Doc. 43-5693; Filed, April 12, 1943; 9:30 a. m.]

[Order No. 99]

#### CHUNGKING PROJECT

##### ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Chungking Project to be work of national importance, to be known as Civilian Public Service Camp No. 99. Said project, located at Chungking, China, will be the base of operations for medical, sanitary and health work, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and non-combatant military service and have been placed in Class IV-E, may be assigned to said project in lieu of their induction for military service.

The work to be undertaken by the men assigned to said Chungking Project will consist of rehabilitation, sanitation, nutrition, public health, and such other services as may be designated by the ministry of public health of the government of the Chinese Republic. The project, insofar as project management is concerned, shall be under the direction

of approved representatives of the National Service Board for Religious Objectors. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,  
Director.

APRIL 9, 1943.

[F. R. Doc. 43-5694; Filed, April 12, 1943;  
9:30 a. m.]

[Order No. 100]

#### DAIRY HERD TESTER PROJECT

#### ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the assignment of conscientious objectors to Dairy Herd Improvement Associations to be work of national importance, to be known as Civilian Public Service Camp No. 100. Said project, located in States approved by the Agricultural Labor Administration of the Department of Agriculture, will be the base of operations for work with Dairy Herd Improvement Associations selected by the State Agricultural Schools and Extension Services, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and non-combatant military service and have been placed in Class IV-E, may be assigned to said project in lieu of their induction for military service.

Men assigned to the afore-mentioned project will be engaged in work as testers of dairy herds and shall be under the direction of the Dairy Herd Improvement Associations. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of the National Selective Service Headquarters.

LEWIS B. HERSHEY,  
Director.

APRIL 9, 1943.

[F. R. Doc. 43-5695; Filed, April 12, 1943;  
9:30 a. m.]

### Chapter VIII—Board of Economic Warfare

#### Subchapter B—Export Control

[Amendment 52]

#### PART 802—GENERAL LICENSES

##### COUNTRY GROUPS

Paragraph (a) of § 802.3 *General license country groups*. The effective date of Amendment number 50 published in Volume 8 of the FEDERAL REGISTER number 38 on April 7, 1943 (8 F.R. 4398) is hereby changed from April 15, 1943 to April 30, 1943.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order 3 and Delegation of Authority 25, 7 F.R. 4951; Delegation of Authority 31, 7 F.R. 9807)

Dated: April 10, 1943.

PAUL CORNELL,  
Chief of Office,  
Office of Exports.

[F. R. Doc. 43-5643; Filed, April 10, 1943;  
10:26 a. m.]

### Chapter IX—War Production Board

#### Subchapter A—General Provisions

#### PART 903—DELEGATIONS OF AUTHORITY

[Directive 14]

##### ELECTRONIC RESEARCH SUPPLY AGENCY

§ 903.27 *Directive 14; Electronic Research Supply Agency—(a) Purpose*. (1) The purpose of this directive is to establish certain priorities policies, rules and exemptions for Electronic Research Supply Agency, an agency established pursuant to Defense Supplies Corporation contract of April 2, 1943, hereinafter referred to as Agency.

(2) It is recognized that Agency has been established by Defense Supplies Corporation at the request of the War Production Board, and at the instance of the Army, Navy, and Office of Scientific Research and Development, to constitute a central source of supply for electronic components and raw materials required by Government, institutional and industrial laboratories for use in research and development contracts for the improvement of communications, detection and signaling equipment; required for production or flight test models for such equipment; or required in small quantity on emergency demands for such equipment.

(3) It is recognized that to effectuate the purposes of the Agency and to render it readily adaptable to service the ends for which it was created, it is necessary to determine certain policies for its operation and to exempt it in certain respects from the effect of regulations and orders of the War Production Board.

(b) *Acquisition of materials by Agency*. (1) Agency is authorized to apply for priorities assistance or allotments of controlled materials on any approved form

now or hereafter issued by the War Production Board (including without limitation forms PD-1A, PD-1X, PD-408, CMP-4A and CMP-4B).

(2) Agency is further authorized to acquire such fabricated, partly fabricated or raw materials as are related to the fulfillment of the purposes expressed in paragraph (a) (2) hereof:

(i) By the application of preference ratings or allotment numbers assigned to Agency by any form or order of the War Production Board; or

(ii) By the extension of any preference rating or allotment number applied or extended by any person to deliveries to be made by Agency.

(3) Purchase orders placed by Agency shall be accompanied either by the form of certification provided in Priorities Regulation No. 3, or the form of certification provided in CMP Regulation No. 7; and Agency shall not be required to place any other endorsement, symbol, or identification on any purchase order placed by it.

(c) *Inventory, reports and records*.

(1) Except to the extent that any regulation or order of the War Production Board expressly provides to the contrary:

(i) Agency shall be exempt from all inventory restrictions contained in regulations and orders of the War Production Board; and

(ii) Agency shall not be required to file or furnish reports or report forms provided or issued pursuant to regulations or orders of the War Production Board.

(2) Agency shall maintain at all times adequate records of its operations, which records shall be available and open to inspection by authorized representatives of the War Production Board.

(d) *Sale and distribution of materials by Agency*. (1) Agency shall be exempt from all provisions of the regulations of the War Production Board requiring the acceptance of defense orders or rated orders and specifying the sequence of deliveries thereon.

(2) Agency shall accept all purchase orders classified as "Approved orders" pursuant to such directions as may be furnished Agency from time to time by the Executive Committee of Agency, which Executive Committee shall consist of assigned representatives of the Army, Navy, War Production Board and Office of Scientific Research and Development, as specified in Defense Supplies Corporation contract of April 2, 1943.

(3) Agency shall fill "Approved orders" placed upon it according to such sequence of deliveries as may be established by the Executive Committee in directions furnished to the Agency from time to time.

(4) All purchase orders placed upon the Agency shall be accompanied by such form of endorsement or certificate as the Agency may prescribe pursuant to directions of its Executive Committee to identify them as "Approved orders" and to relate them to the uses specified in paragraph (a) (2) hereof.

(E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of April, 1943.

C. E. WILSON,  
Executive Vice Chairman.

[F. R. Doc. 43-5710; Filed, April 12, 1943;  
11:12 a. m.]

#### Subchapter B—Executive Vice Chairman

**AUTHORITY:** Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.

#### PART 1128—CLOSURES FOR GLASS CONTAINERS

[Conservation Order M-104, as Amended  
April 10, 1943]

##### § 1128.1 Conservation Order M-104—

(a) **Definitions.** (1) "Closure" means any sealing or covering device affixed or to be affixed to a glass container for the purpose of retaining the contents within the container. The term shall not include bulbs or droppers for medicinal bottles.

(2) "Glass container" means any bottle, jar, or tumbler which is made of glass and which is suitable for packing any product.

(3) "Tinplate" means sheet steel coated with tin, and includes "primes," "seconds," "waste-waste," and all other forms of tinplate except waste.

(4) "Terneplate" means sheet steel coated with a lead-tin alloy, and includes "primes," "seconds," "waste-waste," and all other forms of terneplate except waste.

(5) "Blackplate" means any sheet steel, other than tinplate or terneplate, suitable for manufacture into closures, and includes "rejects," "electrolytic waste-waste," and all other forms of blackplate except waste.

(6) "Waste" means:

(i) Used closures made of tinplate, terneplate or blackplate;

(ii) Used cans made of tinplate, terneplate or blackplate;

(iii) Tinplate, terneplate or blackplate discs produced in the ordinary course of manufacturing screw bands for home canning closures;

(iv) Slitter or shear trimmings, or lithographing lay sheets, acquired before April 10, 1943.

(7) "Rubber," whether a separate sealing ring or incorporated into a closure, means any polyvinyl acetate, or any crude rubber, latex, scrap rubber, reclaimed rubber, or synthetic rubber, as

defined by Supplementary Order M-15-b, as amended from time to time.

(8) "Pack," unless particularly specified, means the number of closures used for packing a product during the base period specified.

(b) **Restrictions upon manufacture, sale, and delivery of closures.** (1) No person shall sell or deliver any closure made in whole or in part of tinplate, terneplate, blackplate, wire, rubber, or waste, except under a purchase order or contract validated by delivery to such person of a purchaser's certificate, manually signed by the purchaser or an authorized official of the purchaser, in substantially the form attached hereto as Exhibit A (if such closure is not a beverage closure [Schedule IV]) or Exhibit B (if such closure is a beverage closure [Schedule IV]). No person shall manufacture, sell or deliver any such closure which he knows or has reason to believe will be used in violation of any provision of this order.

(2) No person shall use any tinplate, terneplate, blackplate, waste or rubber for the manufacture of the following types of closures:

(i) Cover caps which serve as a protective or decorative closure in addition to any original sealing medium such as another closure or paraffin.

(ii) Double shell or semi-double shell caps.

(iii) Two-piece closures when both pieces are made of metal, except as permitted in paragraph (b) (3).

(3) No person shall use any tinplate, terneplate, blackplate, wire, or rubber for the manufacture of any closure of the home canning type, except as, and to the extent permitted in Schedule V attached to this order. No closure manufactured pursuant to Schedule V shall knowingly be sold to any person for packing any product for sale.

(4) No person shall use any tinplate, terneplate, or blackplate, except "rejects" or "electrolytic waste-waste," heavier than 90 pounds per base box, for the manufacture of crown caps.

(5) No person shall use for the manufacture of closures any tinplate with a tin coating in excess of 1.25 pounds per base box.

(6) After May 1, 1943, no person shall use any wire for the manufacture of paperboard, disc, plug caps, having a diameter of two inches or less, for milk bottles.

(c) **Restrictions upon purchase, acceptance of delivery, and use of closures.** No person shall, during any calendar year (or seasonal year or other period, when specified) purchase, accept delivery of, or use for packing a product, any closure made in whole or in part of

tinplate, terneplate, blackplate, or rubber, except as, and to the extent permitted in Schedules I, II, III, and IV attached to this order: *Provided, however,* That a jobber or retailer may obtain and sell closures in conformity with the provisions of this order. Blackplate may be used wherever tinplate or terneplate is specified. Closures made of waste shall not be used for packing any product not listed in the schedules attached to this order.

(d) **Exceptions.** (1) Nothing in this order shall prohibit any person who used less than 5,000 closures during the calendar year 1942 from purchasing, accepting delivery of, or using without restriction, an aggregate of 5,000 closures during any subsequent calendar year.

(2) Except for quota restrictions which shall remain fully applicable, the restrictions imposed by this order shall not apply to the purchase, acceptance of delivery, or use of closures for packing any product when such closures, on or before December 23, 1942, were completely manufactured, partially manufactured, or were in the form of tinplate, terneplate, or blackplate, fully lithographed with a person's private design, cut into strips.

(3) No certificate shall be required for the sale or delivery of closures to:

(i) Retailers;

(ii) Persons purchasing closures from retailers.

(4) Nothing in this order shall prohibit the purchase, acceptance of delivery, or use (such use to be in addition to any quota specified in the schedules attached to this order) of closures by any of the following persons or by any person for packing any product to be delivered to or for the account of any of the following persons:

(i) Army, Navy, Marine Corps, Maritime Commission, or War Shipping Administration of the United States (including persons operating vessels for such Administration or Commission for use thereon).

(ii) Any person for packing products for retail sale or distribution through post-exchanges, sales commissaries, officers' messes, servicemen's clubs, ship service stores, or outlets; provided same are located at Army or Navy camps, are not operated for private profit and are established primarily for the use of Army or Navy enlisted personnel within Army or Navy establishments or on Army or Navy vessels.

(iii) American Red Cross, United Service Organizations, or such other non-profit Defense Recreation Committees, engaged in the operation of recreation centers in the forty-eight states

of the United States or the District of Columbia solely for military personnel, as are certified to be within the exemption provided by this paragraph (d) (4) by the Office of Defense Health and Welfare Services, OEM.

(iv) Any agency of the United States purchasing for a foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(v) Any person in the Territory of Hawaii; provided that the exception provided by this paragraph (d) (4) (v) shall be limited to closures used in connection with the packing of products to be consumed in the said Territory.

(e) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(2) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(3) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Containers Division, War Production Board, Washington, D. C. Ref: M-104.

(4) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 10th day of April 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

#### EXHIBIT A

#### PURCHASER'S CERTIFICATE (OTHER THAN SCHEDULE IV)

[NOTE: Exhibit A amended in its entirety April 10, 1943.]

One copy of this certificate is to be delivered to each person from whom purchases are made of closures (other than beverage closures) made in whole or in part of tinplate, terneplate, blackplate, wire, waste, or rubber. Such certificate shall cover all purchases, present and future.

The undersigned purchaser hereby certifies to the seller herein and to the War Production Board that he is familiar with Conservation Order M-104, as heretofore amend-

ed, and that he will not use or sell any closures purchased from

Name of seller

Address of seller

pursuant to this or future purchase orders or contracts in violation of the terms of such order.

Date

Legal name of purchaser

By

Authorized official

Title of official

Address of purchaser

Section 35 (A) of the U. S. Criminal Code (18 U. S. C. A. 80) makes it a criminal offense to make a false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

#### EXHIBIT B

#### Purchaser's Certificate (Schedule IV)

[NOTE: Exhibit B added April 10, 1943.]

Certificate required by Order M-104 to validate each purchase of closures for malt or non-alcoholic beverages. Execute in duplicate, one copy to be retained by the purchaser, and one to be filed with the seller.

#### Inventory

(a) Permitted Inventory (20 percent of number of such closures and cans used for packaging malt or non-alcoholic beverages in 1941.) ----- gross.

(b) Inventory on date of this certification (Exclusive of Closures made from waste) ----- gross.

(c) Permitted delivery as of date of this certification from all sellers. Line (a) minus Line (b) ----- gross.

(d) Requested delivery from ----- Seller ----- gross.

The undersigned purchaser hereby certifies to the seller herein and to the War Production Board that he is familiar with Conservation Order M-104, as heretofore amended, that the foregoing statements of inventory are true and correct, and that he will not use or sell any closures for malt beverages or non-alcoholic beverages re-

ceived from the seller pursuant to the above-described "requested delivery" in violation of the terms of such order.

Date

Legal name of purchaser

By

Authorized official

Title of official

Address of purchaser

Section 35 (A) of the U. S. Criminal Code (18 U. S. C. A. 80) makes it a criminal offense to make a false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

#### SCHEDULE I—FOOD CLOSURES

[NOTE: Schedule I amended in its entirety April 10, 1943.]

A. Any person who used closures from January 1, 1942 to December 31, 1942, for packing a food product not listed in this Schedule I, may use an equal number of closures during the year 1943 for packing the products listed in this schedule, in addition to the quotas respectively specified.

B. Wherever the asterisk appears the packing quota relates to the total number of closures and cans used for packing the applicable product.

C. No product packed in a can shall be repacked for sale in a glass container, by the same or a different person, in the same or a different form, except to the extent specifically permitted in this schedule.

D. Split year items such as "1941-2" appearing in the column "1943 Packing Quota" refer to specified seasonal year base periods to be used in computing permitted packs for subsequent seasonal years.

E. Any person packing any product in cans during the calendar year or seasonal year, who, because he converts such pack or part thereof from cans to glass containers, does not use the entire number of cans which he would be permitted under any limited quota specified in Order M-81, may use two closures for each can so not used. Such closures may be used in addition to the quotas established for any products by this Schedule I, but shall be made of the materials respectively specified.

| Product  | 1943 packing quota | Closure material indicated by X |             |        |
|--|--------------------|---------------------------------|-------------|--------|
|  |                    | Tinplate                        | Black plate | Rubber |
| VEGETABLES AND VEGETABLE PRODUCTS  |                    |                                 |             |        |
| 1. Asparagus   | Unlimited          | X                               |             | X      |
| 2. Beans, with or without pork   | 50% 1941*          | X                               |             | X      |
| 3. Beans, fresh, including green, wax, lima, green soybeans, and fresh shelled beans   | Unlimited          | X                               |             | X      |
| 4. Beets, including pickled beets. No whole beets larger than U. S. Standard ruby (medium) to be packed  | Unlimited          | X                               |             | X      |
| 5. Carrots, whole carrots not to be packed   | Unlimited          | X                               |             | X      |
| 6. Carrots and peas (fresh, green)   | Unlimited          | X                               |             | X      |
| 7. Corn, fresh, sweet cut  | Unlimited          | X                               |             | X      |
| 8. Mixtures of Vegetables (other than carrots and peas, and succotash) which consist of not less than 90 percent of any combination of vegetables listed in this schedule. (or of any such combination and celery, onions, and peppers); provided that the combination by drained weight shall consist of not more than 60 percent of any one vegetable; and, provided further that no vegetable may be packed under this item until the packer has packed and set aside his full quota for that vegetable as established pursuant to Food Distribution Order No. 22 and orders supplementary thereto. | Unlimited          | X                               |             | X      |
| 9. Mushrooms   | Unlimited          | X                               |             | X      |
| 10. Peas, fresh green  | 50% 1942*          | X                               |             | X      |
| 11. Pimientos  | Unlimited          | X                               |             | X      |
| 12. Spinach, and other green leafy vegetables limited to beet, collard, dandelion, kale, mustard, polk, and turnip greens.   | Unlimited          | X                               |             | X      |

| Product  | 1948 packing quota  | Closure material indicated by X |             |        |
|--|---------------------|---------------------------------|-------------|--------|
|  |                     | Tinplate                        | Black-plate | Rubber |
| VEGETABLES AND VEGETABLE PRODUCTS—con.   |                     |                                 |             |        |
| 13. Succotash.....   | Unlimited.....      | X                               |             | X      |
| 14. Tomatoes.....  | Unlimited.....      | X                               |             | X      |
| 15. Tomato catsup and chili sauce, containing not less than 10.7 percent (specific gravity 1.045) by weight, dry tomato solids:  |                     |                                 |             |        |
| Closures without rubber.....   | Unlimited.....      | X                               |             |        |
| Closures with rubber; to the extent of rubber allocated to manufacturers for this purpose prior to February 4, 1943.   | See product column. | X                               |             | (1)    |
| 16. Tomato paste, containing not less than 25 percent, by weight, dry tomato solids.   | Unlimited.....      | X                               |             | X      |
| 17. Tomato pulp or puree, containing not less than 10.7 percent (specific gravity 1.045) or more than 25 percent, by weight, dry tomato solids.  | Unlimited.....      | X                               |             | X      |
| 18. Tomato sauce, including spaghetti sauce containing not less than 8.7 percent (specific gravity 1.037) by weight, dry tomato solids, and not less than 10.0 percent (specific gravity 1.042) by weight, total dry solids, salt free. In addition to salt, the contents may contain pepper, spice, oils, and other flavoring ingredients.  | Unlimited.....      | X                               |             | X      |
| 19. Vegetables, dehydrated.....  | Unlimited.....      |                                 | X           |        |
| 20. Vegetable juices, or mixtures thereof, undiluted, except for the addition of sweetening or seasoning.  | Unlimited.....      | X                               |             |        |
| NOTE.—When required for packing other products, tomato paste, tomato pulp or puree, tomato sauce, and tomato juice may be repacked from reusable cans, 5 gallons or larger.  |                     |                                 |             |        |
| FRUITS   |                     |                                 |             |        |
| 21. Apples, including crabapples, whole apples not to be packed.   | 25% 1941-42*.....   | X                               |             | X      |
| 22. Applesauce, including sauce from crabapples.....   | 25% 1941-42*.....   | X                               |             | X      |
| 23. Apricots.....  | Unlimited.....      | X                               |             | X      |
| 24. Blackberries, black raspberries, blueberries, boysenberries, dewberries, elder berries, gooseberries, logan berries, red raspberries, and young berries.   | Unlimited.....      | X                               |             | X      |
| 25. Cherries, red sour pitted and sweet.....   | Unlimited.....      | X                               |             | X      |
| 26. Figs.....  | Unlimited.....      | X                               |             | X      |
| 27. Fruit cocktail, consisting of any combination of fruits listed in this Schedule I, or any such combination, and grapes and pineapple: Provided, That the combination, by drained weight, shall consist of not less than 50 percent fruits listed in this Schedule I and may consist of not to exceed 10 percent grapes. Pineapple may be repacked from No. 10 or larger cans to the extent of 7 percent of the fruit cocktail. | Unlimited.....      | X                               |             | X      |
| 28. Olives, ripe or green ripe, whole or minced.....   | 75% 1941-42*.....   | X                               |             | X      |
| 29. Peaches, clingstone, halves, segments, or slices.....  | Unlimited.....      | X                               |             | X      |
| 30. Peaches, freestone, halves, segments, or slices. Not to be packed in California.   | Unlimited.....      | X                               |             | X      |
| 31. Pears. Whole pears, except sickle pears, not to be packed.   | Unlimited.....      | X                               |             | X      |
| 32. Plums.....   | Unlimited.....      | X                               |             | X      |
| 33. Prunes, fresh Italian.....   | Unlimited.....      | X                               |             | X      |
| FRUIT PRODUCTS   |                     |                                 |             |        |
| 34. Fruits, crushed, fountain fruits.....  | 100% 1942*.....     |                                 | X           |        |
| 35. Fruit butters, conserves, jams, jellies, marmalades, and preserves.  | Unlimited.....      | X                               |             | X      |
| 36. Fruit juices or mixtures thereof, other than grapefruit juice, undiluted except for the addition of sweetening.  | Unlimited.....      | X                               |             | X      |
| 37. Grapefruit juice.....  | 100% 1942*.....     | X                               |             | X      |
| 38. Fruit concentrates, liquid, when concentrated on a ratio of 5 or more to 1.  | Unlimited.....      | X                               |             | X      |
| 39. Fruit concentrates, dry.....   | Unlimited.....      |                                 | X           |        |
| 40. Nectars.....   | 100% 1942*.....     | X                               |             |        |
| 41. Pectin, liquid.....  | Unlimited.....      |                                 | X           |        |
| MEATS AND MEAT PRODUCTS  |                     |                                 |             |        |
| 42. Beef, dried.....   | Unlimited.....      | X                               |             | X      |
| 43. Beef extract, and beef gravy.....  | Unlimited.....      | X                               |             | X      |
| 44. Chicken, boned, and turkey, boned.....   | Unlimited.....      | X                               |             | X      |
| 45. Corned beef hash.....  | 100% 1941*.....     | X                               |             | X      |
| 46. Lamb's tongue, pickled.....  | Unlimited.....      | X                               |             | X      |
| 47. Mincemeat, fresh apples only.....  | Unlimited.....      |                                 | X           |        |
| 48. Pig's feet and cutlets, pickled.....   | Unlimited.....      | X                               |             |        |
| 49. Scrapple, Philadelphia.....  | 50% 1942*.....      | X                               |             |        |
| 50. Tamales.....   | 100% 1941*.....     | X                               |             | X      |
| 51. Meat Products as follows:  | Unlimited.....      |                                 |             |        |
| A. Chili con carne, when packed without beans and containing not less than 50 per cent meat, by uncooked weight, exclusive of added tallow.  |                     | X                               |             | X      |
| B. Meat loaf, containing not less than 90 per cent meat, by uncooked weight and no added water. When packed as a chopped product, meat loaf may contain not more than 10 per cent of the following ingredients: cereal, whole milk, eggs, and seasoning.   |                     | X                               |             | X      |

<sup>1</sup>During 1943 only.

<sup>2</sup>Until Mar. 31, 1943.

NOTE.—When required for the packing of other products, pineapple may be repacked from No. 10 cans. Grape juice may be repacked from reusable cans, 5 gallons or larger.

| Product  | 1943 packing quota  | Closure material indicated by X |             |        |
|--|---------------------|---------------------------------|-------------|--------|
|  |                     | Tinplate                        | Black plate | Rubber |
| MEATS AND MEAT PRODUCTS—continued  |                     |                                 |             |        |
| 51. Meat Products—Continued.   |                     |                                 |             |        |
| C. Meat spreads, including ham, tongue, liver, beef, and sandwich spreads. When packed as a spread, the chopped products shall contain not less than 65 per cent meat, by cooked weight, with added cereal or other products. When packed as deviled ham or deviled tongue, the product shall consist of chopped meat without added cereal or other products.  |                     | X                               |             | X      |
| D. Chopped luncheon meats, consisting of chopped, seasoned meat with not to exceed 3 per cent added water, by weight.  |                     | X                               |             | X      |
| E. Sausage in casings, Vienna style, containing no cereal or similar substances and not to exceed 10 per cent added water, by weight.  |                     | X                               |             | X      |
| F. Tongue  |                     | X                               |             | X      |
| FISH AND SHELLFISH   |                     |                                 |             |        |
| 52. Clams, soft, hard or razor   | Unlimited           | X                               |             | X      |
| 53. Clam broth   | Unlimited           | X                               |             | X      |
| 54. Crabmeat   | Unlimited           | X                               |             | X      |
| 55. Fish flakes, except dried fish flakes  | Unlimited           | X                               |             | X      |
| 56. Fish, and shellfish pickled  | Unlimited           | X                               | X           | X      |
| 57. Fish pastes, including shellfish paste   | Unlimited           | X                               |             | X      |
| 58. Lobster, including spiny lobster   | Unlimited           | X                               |             | X      |
| 59. Oysters  | Unlimited           | X                               |             | X      |
| 60. Shrimp   | Unlimited           | X                               |             | X      |
| SOUPS  |                     |                                 |             |        |
| 61. Soups—limited to the following kinds of soup which shall contain not less than the specified percentage, by weight, of dry solids from the products listed in this schedule; provided that prior to June 1, 1943 no person shall use for packing such soups any frozen vegetables, except such as were actually in his possession as of April 10, 1943; and provided further that after June 1, 1943 no person shall use for packing such soups more than 35 per cent, by weight, of the frozen vegetables which he used for this purpose during the corresponding period of 1942.<br>Asparagus, pea, spinach and tomato—7 per cent.<br>Chicken, chicken gumbo, chicken noodle, gumbo creole, consomme and bouillon—6 per cent.<br>Clam or fish chowders—8 per cent.<br>Scotch broth, vegetable, vegetable-vegetarian, pepper-pot, ox-tail, mock turtle, country style chicken, and corn chowder—10 per cent.<br>Beef and vegetable beef—12 per cent.<br>Bean—23 per cent, salt free.<br>Mushroom—18½ per cent, salt free. | Unlimited           | X                               |             |        |
| MILK AND DAIRY PRODUCTS  |                     |                                 |             |        |
| 62. Cheese spreads, processed  | Unlimited           | X                               |             |        |
| 63. Cheese spreads, unprocessed (e. g. limburger)  | Unlimited           | X                               |             |        |
| 64. Condensed milk, sweetened, as defined by the Federal Security Administration, July 2, 1940, paragraph 18,525, page 2444, Federal Register, and 18,530, page 2445, as amended, Federal Register, August 8, 1941, pages 3973 and 3974.   | 100% 1942*          | X                               |             |        |
| 65. Cultured milk—"Cultured milk" as classified herein refers only to those cultured or fermented milk or skim milk products which develop pressure within the container (glass bottles) due to fermentation which is produced by the addition of certain materials to milk or skim milk such as sugar, yeast, cultures, and the like.   | Unlimited           |                                 | X           |        |
| 66. Fluid milk, with or without flavoring. Quota: Until 9/30/43 100 per cent of corresponding period of 1941.  | See product column. |                                 | X           |        |
| 67. Ice cream mix, dry. Notwithstanding the provisions of paragraph (d) (4) of Order M-104, packing quota includes pack required to be set aside by any order of the War Production Board, the Food Distribution Administrator, the Department of Agriculture for purchase by Government agencies.   | 50% 1942*           | X                               |             | X      |
| 68. Malted milk, including chocolate milk, dry   | Unlimited           |                                 | X           |        |
| SYRUPS AND HONEY   |                     |                                 |             |        |
| 69. Syrups—blended, bottlers, cane, corn, maple, molasses, sorghum, malt, and fountain syrups.   | Unlimited           |                                 | X           |        |
| 70. Chocolate or cocoa syrups  | Unlimited           | X                               |             | X      |
| 71. Honey  | Unlimited           |                                 | X           |        |
| OLIVES, PICKLES, RELISHES, CONDIMENTS & SAUCES   |                     |                                 |             |        |
| 72. Pickles, piccalilli, and relishes  | Unlimited           | X                               |             |        |
| 73. Mustard  | Unlimited           | X                               |             |        |
| 74. Green Olives   | Unlimited           | X                               |             |        |
| 75. Horseradish  | Unlimited           | X                               |             |        |
| 76. Sauces—beefsteak, cooking, soya, tobasco, and worcestershire.  | Unlimited           | X                               |             |        |
| EDIBLE OILS AND DRESSINGS  |                     |                                 |             |        |
| 77. Dressings—Mayonnaise, Russian, salad, and Thousand Island.   | Unlimited           |                                 | X           |        |
| 78. French dressing  | Unlimited           | X                               |             |        |

| Product   | 1943 packing quota    | Closure material indicated by X |             |          |
|---|-----------------------|---------------------------------|-------------|----------|
|   |                       | Tinplate                        | Black plate | Rubber   |
| EDIBLE OILS AND DRESSINGS—continued   |                       |                                 |             |          |
| 79. Oil, edible, liquid.....  | Unlimited.....        |                                 | X           |          |
| 80. Sandwich spread, other than meat spread.....  | Unlimited.....        |                                 | X           |          |
| 81. Tartar sauce.....   | Unlimited.....        |                                 | X           |          |
| MISCELLANEOUS FOODS   |                       |                                 |             |          |
| 82. Baby foods:<br>Consisting of food products of small particle size or in liquid or semi-liquid form made from the following ingredients: fruits (except dried apricots, dried pears, dried peaches, dried or dehydrated apples); vegetables; meats; poultry products; dairy products; sugar; salt or seasoning; yeast or yeast derivatives. Frozen fruits and vegetables may be used, provided that no person shall use more than 35 percent, by weight, of the amount which he used for baby foods in 1942. Potatoes and cereals may be used only in combination with other permitted products, and only provided the combined potato and cereal content does not exceed 12 percent, by weight, of the total product. Pineapple from No. 10 cans and tomato products from 5-gallon reusable cans may be used in packing baby foods. | 125% 1942*.....       | X                               |             | X        |
| Formulas—dry or liquid.....   | 125% 1942*.....       |                                 | X           |          |
| 83. Cherries, maraschino.....   | 100% 1942*.....       |                                 | X           |          |
| 84. Baking powder.....  | 100% 1942*.....       |                                 | X           |          |
| 85. Dyes, certified colors.....   | 100% 1942*.....       |                                 | X           |          |
| 86. Extracts.....   | 75% 1942.....         |                                 | X           |          |
| 87. Malt, dry.....  | Unlimited.....        | X                               |             |          |
| 88. Milk fortifiers.....  | Unlimited.....        |                                 | X           |          |
| 89. Nut butters.....  | Unlimited.....        |                                 | X           |          |
| 90. Soups, dehydrated.....  | Unlimited.....        |                                 | X           |          |
| 91. Spice, and seasoning.....   | Unlimited.....        |                                 | X           |          |
| 92. Vinegars.....   | 100% 1942.....        | X                               |             |          |
| 93. Special food products, for human consumption only, limited to foods other than usual table foods. Quota: No person shall pack any special food product unless he packed the product in substantially the same form in 1942, and unless he obtains prior permission upon application to the War Production Board.  | Unlimited.....<br>(1) | X<br>(1)                        | X<br>(1)    | X<br>(1) |

\*See product column.

#### SCHEDULE II—DRUG PRODUCTS CLOSURES

[NOTE: Schedule II amended in its entirety April 10, 1943.]

A. From December 23, 1942, to December 31, 1942, any person may pack without quota restriction any product listed in this Schedule II.

B. The packing quota relates to the number of closures and cans used for packing the applicable product.

| Product, for medicinal or health purposes only   | 1943 packing quota | Closure material indicated by X |             |        |
|--|--------------------|---------------------------------|-------------|--------|
|  |                    | Tinplate                        | Black plate | Rubber |
| 1. Alcohol, rubbing or medicated.....            | Note 1.....        |                                 | X           |        |
| 2. Artificial salts.....                         | Note 1.....        |                                 | X           |        |
| 3. Biological preparations.....                  | Unlimited.....     | X                               |             | X      |
| 4. Blood plasma.....                             | Unlimited.....     | X                               |             | X      |
| 5. Capsules.....                                 | Note 1.....        |                                 | X           |        |
| 6. Chemicals, dry.....                           | Unlimited.....     | X                               |             |        |
| 7. Chemicals, liquid.....                        | Unlimited.....     | X                               |             |        |
| 8. Citrate of magnesia.....                      | Note 1.....        |                                 | X           | X      |
| 9. Cordials, medicinal.....                      | Note 1.....        |                                 | X           |        |
| 10. Effervescent salts.....                      | Note 1.....        |                                 | X           |        |
| 11. Elixirs.....                                 | Note 1.....        |                                 | X           |        |
| 12. Emulsions.....                               | Note 1.....        |                                 | X           |        |
| 13. Extracts.....                                | Note 1.....        |                                 | X           |        |
| 14. Flavors.....                                 | Note 1.....        |                                 | X           |        |
| 15. Fluid extracts.....                          | Note 1.....        |                                 | X           |        |
| 16. Fluid glycerates.....                        | Note 1.....        |                                 | X           |        |
| 17. Glycerites.....                              | Note 1.....        | X                               |             |        |
| 18. Glycerogelatin.....                          | Note 1.....        |                                 | X           |        |
| 19. Honeys.....                                  | Note 1.....        |                                 | X           |        |
| 20. Jellies, aqueous.....                        | Note 1.....        |                                 | X           |        |
| 21. Liniments.....                               | Note 1.....        |                                 | X           |        |
| 22. Liniments of ammonia.....                    | Note 1.....        | X                               |             |        |
| 23. Local anesthetic solutions (injectible)..... | Unlimited.....     | X                               |             | X      |
| 24. Lotions.....                                 | Note 1.....        |                                 | X           |        |
| 25. Magmas.....                                  | Note 1.....        | X                               |             |        |
| 26. Medicinal wines.....                         | Note 1.....        |                                 | X           |        |
| 27. Oleoresins.....                              | Note 1.....        |                                 | X           |        |
| 28. Oleates.....                                 | Note 1.....        |                                 | X           |        |
| 29. Oils, fixed, volatile, or medicated.....     | Note 1.....        | X                               |             |        |

| Product, for medicinal or health purposes only        | 1943 packing quota | Closure material indicated by X |             |        |
|---|--------------------|---------------------------------|-------------|--------|
|   |                    | Tin-plate                       | Black-plate | Rubber |
| 20. Ointments, cerates, petrolatum, pastes.....       | Note 1.....        |                                 | X           |        |
| 31. Ointments, ophthalmic.....                        | Note 1.....        | X                               |             |        |
| 32. Pills, tablets, troches, lozenges.....            | Note 1.....        |                                 | X           |        |
| 33. Powders.....                                      | Note 1.....        |                                 | X           |        |
| 34. Prescriptions.....                                | Unlimited.....     | X                               |             |        |
| 35. Proprietary preparations.....                     | Note 1.....        |                                 | X           |        |
| 26. Soaps.....  | Note 1.....        | X                               |             |        |
| 37. Solutions, aqueous or bulk intravenous.....       | Note 1.....        | X                               |             | X      |
| 38. Solution of ammonia.....                          | Note 1.....        | X                               |             |        |
| 39. Solution of iodine.....                           | Note 1.....        | X                               |             | X      |
| 40. Solution of hydrogen peroxide.....                | Note 1.....        | X                               |             |        |
| 41. Solutions, parenteral.....                        | Unlimited.....     | X                               |             | X      |
| 42. Solutions, ophthalmic or nasal.....               | Note 1.....        | X                               |             |        |
| 43. Spirits.....                                      | Note 1.....        |                                 | X           |        |
| 44. Spirit of ammonia, aromatic.....                  | Note 1.....        | X                               |             |        |
| 45. Spirit of ammonia anisated.....                   | Note 1.....        | X                               |             |        |
| 46. Spirit of ether compound and spirit of ether..... | Note 1.....        | X                               |             |        |
| 47. Suppositories.....                                | Note 1.....        |                                 | X           |        |
| 48. Syrups.....                                       | Note 1.....        |                                 | X           |        |
| 49. Tinctures.....                                    | Note 1.....        |                                 | X           |        |
| 50. Tincture of iodine.....                           | Note 1.....        | X                               |             | X      |
| 51. Vinegars.....                                     | Note 1.....        | X                               |             |        |
| 52. Waters.....                                       | Note 1.....        |                                 | X           |        |
| 53. Water, laxative, purgative or medicinal.....      | Note 1.....        |                                 | X           |        |

NOTE 1.—The total number of closures which may be used for packing all of the products referring to this note is 100 percent of the number of closures and cans a person used for said purpose during 1942. This quota may be used for any one or more of said products.

#### SCHEDULE III—CHEMICALS, HOUSEHOLD AND INDUSTRIAL SUPPLY CLOSURES

[NOTE: Items 19 and 34 amended April 10, 1943.]

A. From December 23, 1942 to December 31, 1942 any person may pack without quota restriction any product listed in this Schedule III.

B. The packing quota relates to the number of closures and cans used for packing the applicable product.

| Product   | 1943 packing quota | Closure material indicated by x |             |        |
|---|--------------------|---------------------------------|-------------|--------|
|   |                    | Tin-plate                       | Black-plate | Rubber |
| 1. Adhesives, glass mucilages, and pastes.....  | 100% 1942.....     |                                 | x           |        |
| 2. Alcohol.....   | 100% 1942.....     |                                 | x           |        |
| 3. Ammonia.....   | 100% 1942.....     | x                               |             |        |
| 4. Anti-freeze.....   | 100% 1942.....     |                                 | x           |        |
| 5. Automotive maintenance or repair items, liquid or paste.....   | 100% 1942.....     |                                 | x           |        |
| 6. Bluing.....  | 100% 1942.....     | x                               |             |        |
| 7. Bleaches.....  | 100% 1942.....     | x                               |             | x      |
| 8. Cements.....   | 100% 1942.....     |                                 | x           |        |
| 9. Chemicals, dry.....  | Unlimited.....     |                                 | x           |        |
| 10. Chemicals, liquid.....  | Unlimited.....     | x                               |             |        |
| 11. Chemicals, reagent.....   | Unlimited.....     | x                               |             |        |
| 12. Cleaners.....   | 100% 1942.....     |                                 | x           |        |
| 13. Compounds for grinding, polishing, or sealing.....  | 100% 1942.....     |                                 | x           |        |
| 14. Dressings for industrial purposes.....  | 100% 1942.....     |                                 | x           |        |
| 15. Dyes.....   | 75% 1942.....      | x                               |             |        |
| 16. Essential oils, distilled or cold pressed.....  | 100% 1942.....     | x                               |             |        |
| 17. Embalming fluid.....  | Unlimited.....     |                                 | x           |        |
| 18. Fire extinguisher fluids.....   | 100% 1942.....     |                                 | x           |        |
| 19. Fungicides, insecticides, and livestock or agricultural solutions or sprays.....  | 130% 1942.....     |                                 | x           |        |
| 20. Glycerin.....   | 100% 1942.....     |                                 | x           |        |
| 21. Graphite with liquid.....   | 100% 1942.....     |                                 | x           |        |
| 22. Hypochlorite powders.....   | 100% 1942.....     | x                               |             |        |
| 23. Inks.....   | 100% 1942.....     | x                               |             |        |
| 24. Ink eradicators.....  | 100% 1942.....     | x                               |             |        |
| 25. Lighter fluids.....   | 100% 1942.....     |                                 | x           |        |
| 26. Lye.....  | 100% 1942.....     |                                 | x           |        |
| 27. Oils, lubricating and machine.....  | 100% 1942.....     |                                 | x           |        |
| 28. Paints, varnishes, enamels, shellacs, lacquers, lacquer thinners, lacquer stains, paint thinners, varnish removers, turpentine and linseed oil..... | 100% 1942.....     |                                 | x           |        |
| 29. Phenols.....  | Unlimited.....     | x                               |             |        |
| 30. Photographic supplies.....  | 100% 1942.....     | x                               |             |        |
| 31. Poisons.....  | 100% 1942.....     |                                 | x           |        |
| 32. Polishes, liquid or paste.....  | 100% 1942.....     |                                 | x           |        |
| 33. Putty.....  | 100% 1942.....     |                                 | x           |        |
| 34. Soap—hand, and shaving cream.....   | 100% 1942.....     |                                 | x           |        |
| 35. Shoe white, liquid or cream.....  | 100% 1942.....     |                                 | x           |        |
| 36. Solvents.....   | 100% 1942.....     |                                 | x           |        |
| 37. Waxes.....  | 100% 1942.....     |                                 | x           |        |
| 38. Wood preservatives and fillers.....   | 100% 1942.....     |                                 | x           |        |

## SCHEDULE IV—BEVERAGE CLOSURES

A. From December 23, 1942, to December 31, 1942, any person shall have the option of using closures for the bottling of malt and non-alcoholic beverages in accordance with the provisions of Order M-104 as amended September 26, 1942, or in accordance with this schedule. On and after January 1, 1943, no person shall use closures for such purpose except in accordance with this schedule.

| Product—Bottling quota   | Closure material   |
|--|--|
| <p>Product: Malt beverages, including only beer, ale, porter, near-beer, and mixtures thereof.</p> <p>Quota: Any person who produced in 1941 less than 65,000 barrels may use in any calendar month, commencing with December 1, 1942, 100 percent, and any person who produced in 1941 over 65,000 barrels may use in any calendar month, commencing with December 1, 1942, 70 percent of the number of closures affixed by him to glass containers during the corresponding month of 1941. In the case of a person who packed all or part of his 1941 production in cans, each such can may be counted as a closure affixed to a glass container. In the case of a person who did not produce any malt beverages in 1941, such beverages bottled by him, shall be considered as having been produced by him, and his authorized usage of closures shall be calculated accordingly.</p>   | <p>Tinplate and blackplate allocated for purposes of crown manufacture, only, and in inventory of crown manufacturer or bottler on or before December 11, 1942. Also rejects and electrolytic waste-waste.</p> |
| <p>Product: Non-alcoholic beverages, including only carbonated soft drinks; non-carbonated soft drinks; unflavored carbonated waters; unflavored naturally carbonated and still waters; drinks consisting of fruit juices, vegetable juices, and combinations thereof, where less than 85 percent by weight of such drinks is pure fruit juice, vegetable juice, or a mixture thereof; and sterilized milk drinks made with powdered milk.</p> <p>Quota: Any person who used in 1941 less than 5,000 gross of closures, may use during any calendar quarter, commencing with October 1, 1942, 100 percent of the number of closures affixed by him to glass containers during the corresponding quarter of 1941. Any person who used in 1941 more than 5,000 and less than 7,000 gross of closures, may use not to exceed 5,000 gross of closures in any twelve-month period, commencing with October 1, 1942; the number used during any calendar quarter to be at the same proportionate rate he affixed closures to glass containers during the corresponding quarter of 1941. Any person who used in 1941 more than 7,000 gross of closures, may use during any calendar quarter, commencing with October 1, 1942, 70 percent of the number of closures affixed by him to glass containers during the corresponding quarter of 1941.</p> | <p>Tinplate and blackplate allocated for purposes of crown manufacture only, and in inventory of crown manufacturer or bottler on or before December 11, 1942. Also rejects and electrolytic waste-waste.</p>  |

(1) No person, other than a jobber purchasing for resale, shall accept delivery of malt beverage or non-alcoholic beverage closures which would increase his inventory beyond 20 percent of the number of such closures and cans which he used in 1941 for packing malt beverages and non-alcoholic beverages.

(2) Closures for waters. Except with regard to items listed in Schedule II, no closures made of tinplate, terneplate, or blackplate shall be affixed to glass containers smaller than 12 fluid ounces, for packing unflavored carbonated natural or mineral waters, unless such glass containers were manufactured on or before June 1, 1942.

(3) All persons who bottle malt beverages or non-alcoholic beverages, shall report upon Form PD-519 to the Containers Division, War Production Board, Washington, D. C.

## SCHEDULE V—HOME CANNING CLOSURES

## PART 1276—PLYWOOD

[Limitation Order L-150-a as Amended April 10, 1943]

## SOFTWOOD PLYWOOD

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of softwood plywood for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1276.6 Limitation Order L-150-a—(a) Definitions. For the purpose of this order:

(1) "Producer" shall mean any manufacturer of softwood plywood, but shall not include any distribution warehouse of any manufacturer.

(2) "Softwood plywood" shall mean a built-up board of laminated veneers of any species of softwood united with a bonding agent.

(3) "Distributor" shall mean any wholesaler, jobber, retailer or other person who in the regular course of his business sells softwood plywood.

(b) General restrictions. No distributor shall sell, ship or deliver or cause to be sold, shipped or delivered, any softwood plywood except upon orders

rated AA-2X or higher, except that this restriction shall not apply

(1) To sales, shipments or deliveries by producers to distributors;

(2) To sales, shipments or deliveries of softwood plywood:

(i) Which has been rejected by grading process, while still in the possession of a producer, as not meeting commercial standards;

(ii) Which has been produced by a producer by "cutting-back" rejects;

(iii) In the form of strips, odd sizes and scrap resulting from the processing for use of standard panels.

(c) Appeals. Any appeal from this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from and stating fully the grounds of the appeal.

(d) Communications. Communications concerning this order, shall, unless otherwise directed, be addressed to War Production Board, Lumber and Lumber Products Division, Washington, D. C. Ref.: L-150-a.

(e) Violations. Any person who willfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment or both. In addition, the War Production Board may prohibit such person from making or obtaining further deliveries of, or from processing or using, material under priority control, may withhold from such person priorities assistance, and may take such other action as it deems appropriate.

(f) Applicability of priorities regulations. This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

This order as amended shall take effect on April 20, 1943.

Issued this 10th day of April 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-5651; Filed, April 10, 1943; 11:25 a. m.]

## PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Direction No. 2 of CMP Reg. 1]

The following direction is issued pursuant to paragraph (t) (6) of CMP Regulation No. 1 to all aluminum producers:

(a) No consumer shall receive any aluminum rod or bar in the second quarter of 1943 in excess of the amount authorized for delivery in April 1943, plus the amounts au-

| Description of closure  | Manufacturer's quota from October 1, 1942 to September 30, 1943 | Closure material indicated by X |        |            |
|---|---|---------------------------------|--------|------------|
|   |   | 0.50 Tinplate                   | Rubber | Wire balls |
| 1. Shoulder seal jar rings for 70 mm Mason finish.                  | Subject to allocation of rubber.                                | ----                            | X      |            |
| 2. Top seal jar rings for use with 70 mm glass disc.                | Subject to allocation of rubber.                                | ----                            | X      |            |
| 3. Top seal metal lids, 70 mm. <sup>1</sup>                         | Unlimited....   | X                               | X      |            |
| 4. Bands for 70 mm top seal metal lids. <sup>1</sup>                | Unlimited....   | X                               | ----   |            |
| 5. Bands for use with 70 mm. glass lids.                            | Unlimited....   | X                               | ----   |            |
| 6. Lightning type, 70 mm.   | Unlimited....   | ----                            | ----   | X          |
| 7. Top seal metal lids, smaller than 70 mm.                         | Unlimited....   | X                               | X      |            |
| 8. One piece metal closures, 70 mm shoulder seal type. <sup>1</sup> | Unlimited....   | X                               | X      |            |
| 9. One piece metal closures, 70 mm top seal type. <sup>1</sup>      | Unlimited....   | X                               | X      |            |

<sup>1</sup> No manufacturer or jobber of glass containers shall sell any jars, intended for home canning, which are made with 70 mm screw finish and which are manufactured on or after April 15, 1943 unless 40 percent or more of such jars have glass lids, screw bands and top seal jar rings attached to them.

[F. R. Doc. 43-5650; Filed, April 10, 1943; 11:25 a. m.]

thorized under CMP allotments for May and June 1943 delivery. For the purpose of this paragraph, April authorizations consist of either CMP allotments or pre-authorized releases by Claimant Agencies for April. In those cases where allotments were made in CMP size ranges, the total deliveries for the quarter in each size range shall not exceed the total authorized for the quarter in that size range.

(b) Until May 1, 1943, aluminum mills shall hold all orders covered by authorizations for the delivery of aluminum rod and bar in March 1943, or earlier months, in their present places in the mill schedules for April, May and June 1943. Until May 1, 1943, each mill shall consider orders covered by such previous authorizations as if they were authorized controlled materials orders for the purpose of determining the amount of other orders it may accept within the limits of its production directive. However, unless the consumer assigns May or June CMP allotment numbers with the proper certification by April 30, 1943, to carry-over orders covered only by authorization for March or earlier deliveries, these orders must be taken out of the mill schedules on May 1, 1943.

(c) Aluminum mills are hereby directed to notify their consumers on or before April 10, 1943, of the amount of aluminum rod or bar authorized for delivery in March or previous months which will not be ready for delivery to the consumer by May 1, 1943.

(d) If the provisions of this direction affect unfavorably any critical requirements of any consumer because his CMP allotments have been used up for the second quarter, he may receive further consideration by submission to his Claimant Agency of CMP-4A for supplemental allotment for such critical item.

Issued this 10th day of April 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-5647; Filed, April 10, 1943;  
11:25 a. m.]

#### PART 3231—MARINE PAINTS

[Preference Rating Order P-65, As Amended  
April 10, 1943]

Preference Rating Order P-65 is hereby amended to read as follows:

§ 3231.1 *Preference Rating Order P-65—(a) Definitions.* (1) "Marine paints" means paints, coatings, and finishes produced for use (other than ornamental or non-utilitarian) in coating bottom, topsides, superstructure, and interior of ocean-going vessels or vessels operating in salt water, and gear, tackle, fittings, and other usual and necessary accessories of such vessels.

(2) "Producer" means any person who produces or manufactures marine paint.

(3) "Supplier" means any person with whom a contract or purchase order has been placed for delivery of material to the producer.

(b) *Assignment of preference rating.* Subject to the terms of this order, the preference rating AA-1 is hereby assigned to deliveries to the producer by his suppliers of material to be physically incorporated by such producer into marine paints.

(c) *Application and extension of ratings.* The rating assigned by paragraph (b) of this order shall be applied and

extended in accordance with Priorities Regulation No. 3, as amended from time to time.

(d) *Restrictions on sales and uses of marine paints.* No person shall sell or deliver any marine paints produced by him in whole or in part from material acquired by him under a purchase order or contract to which he shall have applied the rating herein provided for except where:

(1) Such marine paints are to be sold or delivered to the United States Army, United States Navy, United States Maritime Commission, the War Shipping Administration, or to any person who owns, operates, leases or charters any shipyard, ship repair shop or vessel; and

(2) Such marine paints are to be used by the agency or person to whom sale or delivery is made solely for the maintenance or repair of or operating supplies for, ocean-going vessels or vessels operated in salt water owned, operated or chartered by any of such agencies, or for the maintenance or repair of any gear, tackle, fittings and other usual and necessary accessories of such vessels.

(e) *Miscellaneous provisions—(1) Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable regulations of War Production Board, as amended from time to time.

(2) *Communications to War Production Board.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C. Ref: P-65.

Issued this 10th day of April 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-5649; Filed, April 10, 1943;  
11:25 a. m.]

#### PART 3240—MATERIAL FOR FARMSTEAD WIRING

[Preference Rating Order P-144]

§ 3240.1 *Preference Rating Order P-144.* For the construction of farmstead wiring on approved farms, a preference rating of AA-3 is hereby assigned to deliveries of farmstead wiring material to builders upon the following terms:

(a) *Definitions.* (1) "Farmstead wiring material" means electrical wiring, including not more than 75 pounds of non-ferrous metal in conductor as well as necessary fixtures and accessories, required to carry electrical energy from the terminal of the utility's facilities to the point or points of use on an approved farm, not including wiring which would be exclusively used to furnish electricity for household lighting.

(2) "Approved farm" means a farm to which a utility has been authorized to furnish electric service under the terms of Supplementary Utilities Order U-1-c, as amended.

(3) "Builder" means the person named as eligible for electric service in

the USDA County War Board's certification under Supplementary Utilities Order U-1-c, as amended.

(b) *Application and extension of preference ratings.* (1) Notwithstanding any provision of Priorities Regulation 3, as amended, the ratings assigned by this order shall be applied by a builder only by his endorsing on, or attaching to, each contract or purchase order placed by him a certification in substantially the following form:

The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to apply the preference rating of AA-3 to the items shown on this purchase order. In addition, the undersigned certifies that he is the person named as eligible for electric service in the USDA County War Board's certification under Supplementary Utilities Order U-1-c, a copy of which certification is attached to this contract or purchase order for farmstead wiring material.

|                     |           |
|---------------------|-----------|
| (Name of purchaser) | (Address) |
|                     | (Date)    |

(2) No supplier may sell farmstead wiring to a builder, notwithstanding a certification as above, if he knows or has reason to believe that such certification is false. In the absence of such knowledge or belief, however, a supplier may rely on such certification.

(3) The ratings assigned by this order may be extended to the extent permitted by Priorities Regulation 3.

(c) *Records.* Each supplier shall forward to the USDA County War Board which certified the purchaser's eligibility, an endorsed copy of each purchase order or contract to which the rating assigned hereby has been applied or extended, whether accepted or rejected. The USDA County War Board shall retain such copy for a period of 2 years for inspection by representatives of the War Production Board. This requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(d) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from process or use of, material under priority control, and may be deprived of priorities assistance.

(e) *Communications.* All communications concerning this order, shall, unless otherwise directed, be addressed to War Production Board, Washington, D. C., Ref.: P-144.

(f) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(g) *Expiration date.* This order shall expire June 30, 1943.

Issued this 10th day of April 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-5648; Filed, April 10, 1943;  
11:25 a. m.]

#### PART 1010—SUSPENSION ORDERS

[Suspension Order S-272]

##### BLOOMFIELD MFG. COMPANY

The Bloomfield Mfg. Company, Chicago, Illinois, is a corporation engaged in the production of various war materials and metal kitchen equipment. Between July 1st and October 1, 1942 respondent extended a preference rating applied to it for the manufacture of military items for the purchase of capital equipment in the amount of \$11,000.00. Furthermore, the respondent, a Class I producer under the production requirements plan, purchased for the third quarter of 1942 13,325 lbs. of cast iron castings in excess of its authorization under the production requirements plan; and purchased 400 lbs. of music wire, 300 lbs. of tin, 66 lbs. of brass rods, 1,058 butter cutters and handles, and approximately 685,000 cadmium plated rivets. The company was not authorized to purchase any of this material by the production requirements plan. The company also failed to maintain adequate or proper production and inventory records. It conducted its business with reckless disregard of the applicable orders, and made no effort to familiarize itself with the restrictions placed upon its business. The above conduct constituted wilful violations of Priorities Regulation No. 1, Priorities Regulation No. 3 and Priorities Regulation No. 11.

These wilful violations have impeded and hampered the war efforts of the United States by diverting scarce materials to uses unauthorized by the War Production Board.

In view of the foregoing facts: *It is hereby ordered, That:*

§ 1010.272 *Suspension Order No. S-272.* (a) The Bloomfield Mfg. Company, Chicago, Illinois, its successors and assigns, shall not cut, shape, form, put in process, process or manufacture any metal as set forth in the metals list attached to Priorities Regulation No. 11, as amended, to make any metal kitchen equipment in any of the shapes or forms as defined in any order of the L-30 series, as amended from time to time, except to fill orders bearing preference ratings of AAA or AA-1, or except as hereafter specifically authorized in writing by the War Production Board.

(b) No person shall deliver any metal as set forth in the metals list attached to Priorities Regulation No. 11, as amended, to the Bloomfield Mfg. Company, Chicago, Illinois, its successors or assigns, if such person knows or has reason to know that such metal is to be used by the Bloomfield Mfg. Com-

pany in violation of paragraph (a) of this order.

(c) Nothing contained in this order shall be deemed to relieve the Bloomfield Mfg. Company, its successors and assigns, from any restriction, prohibition or provision of any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect April 12, 1943, and shall expire July 12, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 10th day of April 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-5675; Filed, April 10, 1943;  
2:57 p. m.]

#### PART 1010—SUSPENSION ORDERS

[Suspension Order S-275]

##### ATLANTIC AND PACIFIC COAL AND OIL COMPANY, INC.

The Atlantic and Pacific Coal and Oil Company, Inc., 6512 Fort Hamilton Parkway, Brooklyn, New York, owns and operates a garage and service station at that address. During the months of April, May, June and from July 1 to July 21, 1942, the Atlantic and Pacific Coal and Oil Company, Inc., accepted delivery of 42,652 gallons of motor fuel in excess of the amount permitted to be accepted for its service station in accordance with the monthly quota provisions of Limitation Order L-70. The percentage of deliveries accepted at this service station in excess of the proper quotas rose from 123 per cent in April 1942 to 758 per cent during July 1 to July 21, 1942. The Atlantic and Pacific Coal and Oil Company, Inc., knew of Limitation Order L-70 during the period in question and accepted the excess deliveries of motor fuel in wilful violation of the order.

These violations of Limitation Order L-70 have impeded and hampered the war effort of the United States by diverting motor fuel to uses unauthorized by the War Production Board.

In view of the foregoing facts: *It is hereby ordered, That:*

§ 1010.275 *Suspension Order No. S-275.* (a) Atlantic and Pacific Coal and Oil Company, Inc., its successors and assigns, shall not accept the delivery of any motor fuel, as defined in Limitation Order L-70, from any source, at 6512 Fort Hamilton Parkway, Brooklyn, New York, or at any other service station or motor fuel storage facility now or hereafter owned, operated, or leased by it, except as specifically authorized in writing by the War Production Board.

(b) No person shall deliver any motor fuel, as defined in Limitation Order L-70, to Atlantic and Pacific Coal and Oil Company, Inc., its successors and assigns, at 6512 Fort Hamilton Parkway, Brooklyn, New York, or at any other service station or motor fuel storage facility now or hereafter owned, operated or leased by Atlantic and Pacific Coal and Oil Company, Inc., its successors and as-

signs, except as specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Atlantic and Pacific Coal and Oil Company, Inc., its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on April 12, 1943, and shall expire on October 12, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 10th day of April 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-5676; Filed, April 10, 1943;  
2:57 p. m.]

#### PART 1010—SUSPENSION ORDERS

[Suspension Order S-278]

##### SPECIALTY MATTRESS COMPANY

Specialty Mattress Company is a West Virginia corporation having its principal office at Huntington, West Virginia. It has thirteen subsidiary companies located at various points in the States of Michigan, Ohio, Pennsylvania, Indiana and West Virginia. It is engaged in the business of manufacturing and distributing "bedding products" as the same are defined in Limitation Order L-49. Between September 1, 1942 and October 15, 1942 the respondent manufactured 3,115 inner-spring mattresses, during which time an absolute prohibition against such manufacture was in existence. During July, August and September 1942 the respondent company used 40,365 pounds of iron and steel in the manufacture of box bed springs in excess of its quota for the said months. Specialty Mattress Company was familiar with the provisions of Limitation Order L-49 and its conduct as above described constituted wilful violations of the said order, thus hampering and impeding the war effort of the United States. In view of the foregoing facts: *It is hereby ordered, That:*

§ 1010.278 *Suspension Order No. S-278.* (a) Neither Specialty Mattress Company, nor any of its subsidiaries, nor its successors or assigns, shall process, fabricate or work on iron or steel for the production of coil, flat, box or fabric bed springs, whether or not they are integral parts of beds or other sleeping equipment, or use iron or steel in the manufacture of coil, flat, box or fabric bed springs, whether or not they are integral parts of beds or other sleeping equipment, during the period in which this order is in effect, except in fulfillment of a specific order of, or contract with, the Army or Navy of the United States.

(b) Deliveries of material to Specialty Mattress Company, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall

be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other order or regulation of the War Production Board, except as specifically authorized in writing by the War Production Board.

(c) No allocation shall be made to Specialty Mattress Company, its successors and assigns, of any material the supply or distribution of which is governed by any order of the War Production Board, except as specifically authorized in writing by the War Production Board.

(d) Nothing contained in this order shall be deemed to relieve Specialty Mattress Company, its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on April 12, 1943, and shall expire on July 12, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 10th day of April 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-5674; Filed, April 10, 1943;  
2:57 p. m.]

#### PART 940—RUBBER AND BALATA AND PRODUCTS AND MATERIALS OF WHICH RUBBER OR BALATA IS A COMPONENT

[Supplementary Order M-15-g, as Amended April 12, 1943]

##### RUBBER TIRES FOR INDUSTRIAL POWER TRUCKS

The fulfillment of the requirements for the defense of the United States has created a shortage in the supply of rubber for defense, for private account and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 940.9 *Supplementary Order M-15-g*—(a) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Rubber" means any kind of crude rubber, latex, reclaimed rubber, scrap rubber or synthetic rubber.

(3) "Rubber tire" means any solid or pneumatic tire or tire tube made in whole or in part of any kind of rubber and used or designed for use on any industrial power truck.

(4) "Industrial power truck" means any self-power-propelled industrial truck or wheel tractor designed primarily for handling material (either by carrying or towing) on floors or paved surfaces in and around industrial plants, warehouses, docks, shipyards, airports or depots. The term shall not include

any of the following: automotive tractors; automotive trucks; wheel-type industrial tractors designed for use on tax-built highways, or in such operations as construction, earth-moving, mining, logging or petroleum development; or trailers designed for industrial use.

(b) *Restrictions on delivery or acquisition.* Except as permitted by paragraph (c) hereof, no person shall sell, lease, rent, deliver or otherwise transfer, or purchase, accept or otherwise acquire, any new rubber tire used or designed for use on any industrial power truck except pursuant to an authorization in writing of the War Production Board on Form PD-840 or Form PD-408: *Provided*, That no Form PD-408 shall be used to acquire any such tire unless such form is an individual or interim form which covers only the tire or tires which are needed for one or more industrial power trucks referred to therein. Each application filed pursuant hereto on Form PD-840 or Form PD-408 shall contain or be accompanied by a statement certifying that each tire covered by such application is needed for replacement purposes within thirty days from the delivery date specified in such application.

No such tire which is permanently mounted on or affixed to a base band made of iron, steel or any other metal shall be delivered for replacement purposes pursuant to this paragraph (b) unless (1) there is delivered to the person supplying such replacement tire a metal base band of comparable size, or (2) said tire is mounted on or affixed to a base band which was furnished by the person acquiring said tire.

(c) *Exceptions.* The provisions of paragraph (b) of this order shall not apply to the sale, lease, renting, delivery or transfer or purchase, acceptance or acquisition of any new rubber tire used or designed for use on any industrial power truck:

(1) *Exception of certain orders.* When such tire is purchased or acquired by or for the account of:

(i) The Army or Navy of the United States, the United States Maritime Commission, Panama Canal, Coast and Geodetic Survey, Coast Guard, Civil Aeronautics Authority, National Advisory Committee for Aeronautics or Office of Scientific Research and Development;

(ii) Any agency of the United States where such tire is to be delivered to or for the account of any foreign country under the provisions of the Act of March 11, 1941 entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(2) *Original equipment.* When such tire is purchased or acquired to equip

any new industrial power truck, manufactured or delivered under the provisions of Limitation Order L-112 (§ 1210.1), as amended from time to time (including any such vehicles manufactured or delivered under appeals from said Limitation Order L-112): *Provided*, That no person shall purchase, receive or otherwise acquire any new rubber tires to be used as original equipment on new industrial power trucks in quantities which will result in such person having an inventory of rubber tires held for such purpose in excess of his requirements for thirty days.

(3) *Tire distributors and vehicle manufacturers.* When any such tires are acquired for resale to others by

(i) Any person (other than a manufacturer of tires for industrial power trucks) who, during the calendar year 1941, was regularly engaged in the business of furnishing new rubber tires for industrial power trucks for replacement purposes and who, while engaged in such business, maintained during the greater part of the calendar year 1941, an inventory of not less than twenty tires for such purpose, or

(ii) Any person who is a manufacturer of industrial power trucks and who also engages in the business of furnishing to others new rubber tires for industrial power trucks for replacement purposes.

*Provided, however*, That no person shall purchase, receive or otherwise acquire for resale to others as replacement tires any new rubber tires pursuant to this subparagraph (3) in quantities which will result in such person having an inventory of rubber tires held for such purpose in excess of his anticipated orders for the ensuing thirty days; and no such person shall dispose of any such tires from his inventories except in accordance with paragraphs (b), (c) (1), (c) (2) or (c) (4) of this order.

(4) When such purchase or acquisition is authorized by a Preference Rating Certificate PD-1A issued prior to April 12, 1943, assigning a preference rating A-1-a or higher.

(d) *Restriction on destruction of metal base bands.* No person shall knowingly destroy or damage any metal base band designed for an industrial power truck tire if such base band is still usable for mounting or affixing any such tire.

(e) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(2) *Reports.* All persons affected by this order shall prepare and file such reports and questionnaires as may from

time to time be requested by the War Production Board or the Rubber Director.

(3) *Audit and inspection.* All records required to be kept by this order or by any priorities regulation of the War Production Board shall, upon request, be submitted to audit and inspection by a duly authorized representative of the War Production Board.

(4) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(5) *Appeals.* Any appeal from the provision of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of appeal.

(6) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Office of Rubber Director, Washington, D. C.: Ref. M-15-g.

Issued this 12th day of April 1943.

WAR PRODUCTION BOARD,

By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-5709; Filed, April 12, 1943;  
11:12 a. m.]

#### PART 1188—RAILROAD EQUIPMENT

[Interpretation 2 to General Limitation Order L-97 as Amended January 1, 1943]

The following official interpretation is hereby issued with respect to § 1188.1 General Limitation Order L-97:

The question has arisen to what extent a production and delivery schedule for a given number of locomotives, prescribed for a producer by the War Production Board pursuant to paragraph (d) (1) of Order L-97, takes precedence over any preference ratings which may be applied or extended to him, either for the locomotives themselves or for parts thereof.

A production and delivery schedule so established is protected by paragraph (d) (2), which provides that it "shall be maintained without regard to any preference ratings already assigned or hereafter assigned . . .". This protection of the schedule under Order L-97 extends not only to locomotives in completed form, but also to any locomotive parts manufactured by the producer which enter into the scheduled locomotives, to the extent that the diversion of such parts to fill rated orders would interfere with fulfillment of the prescribed schedule.

Issued this 12th day of April 1943.

WAR PRODUCTION BOARD,

By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-5708; Filed, April 12, 1943;  
11:12 a. m.]

#### PART 1230—COPPER AND COPPER BASE ALLOY FOR CERTAIN BUILDING MATERIALS

[Conservation Order L-277]

##### ELECTRICAL WIRING DEVICES

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of non-ferrous metals and alloys for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the National Defense.

§ 1230.6 *Limitation Order L-277—(a) Definition.* For the purpose of this order:

(1) "Electrical wiring device" means any unit of an electric circuit, which unit does not consume electrical energy, but is used for the purpose of switching, tapping, or connecting such circuit. Electrical wiring device shall include, but is not limited to the following:

(i) Sockets and lampholders of all types and component parts thereof;

(ii) Switches, such as: tumbler, push, rotary, snap, pull, door, pendant, cord, canopy, appliance switches, and component parts thereof;

(iii) Receptacles, such as: weather-proof, watertight, non-watertight, motor base, polarized, locking, electric range, pilot light receptacles, and component parts thereof;

(iv) Caps, plugs, connectors and taps, such as: weather-proof, watertight, non-watertight, polarized, locking and electric range plugs, current taps, attachment plugs and component parts of such caps, plugs, connectors and taps;

(v) Rosettes, adapters, and component parts thereof. Electrical wiring devices shall not include lighting fixtures, portable lamps, flashlights, fuses, fuse cutouts, lugs, mechanical wire connectors, knife blade switches, fluorescent starter switches, relays, push buttons, automatic control equipment, circuit breakers or any unit of an electric circuit designed and constructed to connect, convey or control electrical energy in excess of 60 amperes or 600 volts.

(2) "Current interrupting part" means any contact part of an electrical wiring device, which part is designed for the purpose of making or breaking an electrical circuit by spring or lever action. Current interrupting part shall include the stationary electrical contact parts engaged to complete an electric circuit.

(3) "Current carrying part" means any part of an electrical wiring device, which part is designed specifically to carry current. Current carrying part shall not include any current interrupting parts.

(4) "Contact clip" means that part of a receptacle, connector, or tap which makes physical electrical contact with attachment plug blades.

(5) "Manufacturer" means any person who produces, processes, or assembles electrical wiring devices or component parts thereof.

(6) "Put in process" means the first change by a manufacturer in the form of material from that form in which the

material was received by him, or any assembly by a manufacturer of a component part of an electrical wiring device.

(b) *Restrictions on manufacture.* On and after the 12th day of May, 1943, no manufacturer shall put in process any non-ferrous metal or non-ferrous metal alloy, for the purpose of manufacturing an electrical wiring device or any part thereof, and on and after the 11th day of June 1943, no manufacturer shall incorporate any non-ferrous metals or non-ferrous metal alloys in the manufacture or assembly of an electrical wiring device or any part thereof except in the manufacture or assembly of:

(1) Current interrupting parts of an electrical wiring device; or

(2) Current interrupting or current carrying parts of a "Mogul" lampholder or "Mogul" socket rated 1500 watts or more; or

(3) Current interrupting or current carrying parts of an electrical wiring device which device is designed and constructed to carry electric current in the amount of 20 amperes or more; or

(4) Any contact clip of a receptacle, connector, or tap; or

(5) Rivets and riveting inserts, when the contact area or the size of such rivets and riveting inserts preclude the use of a ferrous metal or ferrous metal alloy; or

(6) For the purpose of plating a current carrying part.

(c) *Restrictions on sale and delivery.* On and after the 19th day of April 1943, notwithstanding any contract, agreement, or preference rating to the contrary no manufacturer shall ship, transfer, sell or otherwise dispose of an electrical wiring device except on an order bearing a preference rating of A-1-j or better.

(d) *Exceptions to provisions of this order.* The provisions of this order shall not apply to any electrical wiring devices, or component parts thereof to be incorporated into:

(1) Aircraft, armament, electric communication equipment, radio, radar, electronic equipment, ships, tanks, vehicles, weapons, infra red heating equipment, exterior lighting equipment, alarm and signal systems, or X-ray and physical therapy equipment; or

(2) Any equipment designed and constructed to be used in combat.

(e) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(f) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(g) *Reports.* Each manufacturer to whom this order applies shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(h) *Violations and false statements.* Any person who willfully violates any

provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further delivery of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(i) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal.

(j) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board as amended from time to time.

(k) *Applicability of other orders.* Insofar as any other order issued by the War Production Board, or to be issued by it hereafter, limits the use of any material to a greater extent than the limits imposed by this order, the restrictions of such other order shall govern unless otherwise specified therein.

(l) *Communications.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Building Materials Division, Washington, D. C., Ref.: L-277.

Issued this 12th day of April 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-5708; Filed, April 12, 1943;  
11:12 a. m.]

## PART 3165—PUMPS

[General Limitation Order L-246]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain critical materials and facilities used in the manufacture of pumps for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3165.1 *General Limitation Order L-246—(a) Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Pump" means any new, mechanically operated, rotating or positive displacement mechanism for raising, circulating, or otherwise moving any liquid; except (i) pumps manufactured by a person solely for incorporation into other machinery or equipment also manufactured by him, (ii) fuel injection pumps for internal combustion engines, (iii)

pumps for farm use as defined in General Limitation Order L-170, (iv) service station type measuring and dispensing pumps, (v) vertical submerged reciprocating or turbine type pumps used in oil wells for petroleum production, (vi) non-reciprocating vacuum pumps, condensate return pumps, and hot water circulating pumps, designed and used solely for heating of building space, (vii) sanitary pumps used in milk processing and egg processing plants, or (viii) portable engine driven or electric motor driven pumping units, mounted on skids, with or without handles, or trailer mounted, incorporating self-priming centrifugal pumps, horizontal or vertical piston or plunger pumps or diaphragm pumps, ordinarily used for construction contractors' purposes or by construction contractors for dewatering and supply, as defined in "Contractors pump standards" adopted by the Associated General Contractors of America, Inc., (A. G. C.) February 21, 1941.

(3) "Manufacturer" means any enterprise to the extent that it is engaged in the fabrication or assembly of pumps, and includes sales and distribution outlets controlled by any such enterprise.

(4) "Dealer" means any person who purchases pumps for resale except sales and distribution outlets controlled by a manufacturer.

(5) "Delivery" includes delivery of pumps from one affiliate to another or from one branch, division or section of a single enterprise to another branch, division or section of the same enterprise, where the recipient affiliate, branch, division or section will use the pump.

(6) "New" as applied to a pump means any pump which has not been sold and delivered to a purchaser for use. A pump shall be deemed new until it has been so sold and delivered regardless of whether it may have theretofore been leased to any person or persons by the manufacturer or dealer.

(7) "Approved order" means:

(i) Any order for a pump, or parts thereof, bearing a preference rating of AA-5 or higher; or

(ii) Any order for a pump, or parts thereof, which the War Production Board approves pursuant to subparagraph (b) (3) hereof.

(b) *Restrictions on acceptance of orders for, and delivery of, pumps.* (1) After April 22, 1943, no manufacturer or dealer shall accept any order for pump, or parts thereof, unless the order is an approved order; and on and after May 12, 1943, no manufacturer shall deliver any pump, or parts thereof, in fulfillment of any order unless the order is an approved order.

(2) The limitations and restrictions of subparagraph (b) (1) above shall not apply to any order for repair parts (i) in an amount not exceeding \$500 for any single pump, or 50% of the original sales price of the pump to be repaired, whichever is less in the particular case; or (ii) in any amount, for the repair of a pump when there has been an actual breakdown or suspension of operations thereof because of damage, wear and tear, de-

struction or failure of parts or the like, and the essential repair and maintenance parts are not otherwise available.

(3) Any manufacturer or dealer may apply for authorization to deliver orders on his books which are not approved orders by filing a report thereof in duplicate on Form PD-556, together with a statement of the percentage of completion of each such order. The War Production Board may thereupon approve any such orders regardless of the rating thereof, or may re-rate any such orders in order to constitute them approved orders.

(4) No manufacturer shall accept any order for a pump if he knows or has reasonable cause to believe that he will be unable to make delivery on or before the delivery date specified in the order. Any order received by a manufacturer, specifying a delivery date which the manufacturer knows or has reasonable cause to believe he will be unable to meet, shall be returned by the manufacturer to the proposed purchaser within twenty days after the receipt thereof.

(c) *Schedules of specifications.* The War Production Board may at any time, and from time to time, issue schedules (by amendments to this order) establishing required specifications for pumps. Upon and after the date of issuance of any such schedule of specifications, or such other date as shall be prescribed therein, no person shall accept any order for, fabricate, assemble, sell, deliver, accept delivery of or use any pumps or parts thereof except in accordance with the terms of such schedule. As used in this paragraph the term "required specifications" shall mean specifications fixed for the fabrication, assembly, production, construction or other manufacture of pumps and designed to eliminate, reduce, or conserve the use of critical materials in pumps or parts, by simplifying or standardizing pumps or parts; specifying the operating conditions under which they may be used; restricting the numbers of sizes, types, models, or kinds produced or kinds or quantities of materials used by a manufacturer; or requiring substitution of less critical materials for more critical materials; or by establishing other requirements for the manufacture, sale, delivery or use of such pumps.

(d) *Miscellaneous provisions—(1) Appeals.* An appeal may be taken either by a manufacturer or by his proposed purchaser from any provision of this order or from any action taken hereunder by the War Production Board. Any such appeal shall be made by filing a letter, in triplicate, referring to the particular provision or action appealed from, and stating fully the grounds of the appeal.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may

be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to War Production Board, General Industrial Equipment Division, Washington, D. C., Ref: L-246.

Issued this 12th day of April 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-5707; Filed, April 12, 1943;  
11:12 a. m.]

Chapter XI—Office of Price Administration  
PART 1315—RUBBER AND PRODUCTS AND  
MATERIALS OF WHICH RUBBER IS A COM-  
PONENT

[RO 1A,<sup>1</sup> Amendment 23]

TIRES, TUBES, RECAPPING AND CAMELBACK

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Ration Order No. 1A is amended in the following respects:

1. Section 1315.201 (a) (41) is added to read as follows:

(41) "Equipment", unless the context indicates otherwise, means any conveyance or machinery operating with wheels which require tires for such operation.

2. Section 1315.201 (a) (42) is added to read as follows:

(42) "Mounted" as applied to a tire or tube, means a tire or tube physically mounted or held for use upon specific equipment and includes spare tires or tubes not in excess of the number allowable under this order or Ration Order No. 5C.

3. Section 1315.502 (b) is amended to read as follows:

(b) *Inspection record.* That the applicant has a tire inspection record, signed by an authorized tire inspector, showing that the required tire inspections have been made, and that either the serial number of the tire to be replaced has been entered upon such record or the applicant has Part D of a certificate authorizing acquisition of such tire. However, the Board may in its discretion waive the requirement that the applicant have a tire inspection record showing the required tire inspections if the tire inspection record establishes that the tires upon the vehicle were inspected within sixty (60) days prior to the filing of the application. If a waiver is granted under this section

or § 1394.8010 of Ration Order No. 5C, the required inspections prior to the waiver shall be deemed to have been obtained. The provisions of this paragraph shall not apply to vehicles exempt from maintaining a tire inspection record under § 1315.701. Tire inspection records for automobiles operated on official rations need not show the serial number of the tire to be replaced.

4. In § 1315.701 the following is added to the first paragraph following the table:

The record must be kept with the vehicle when in operation, unless its removal is permitted by Office of Price Administration order or authorization. Upon transfer of a passenger automobile, the record pertaining to the vehicle, and Parts D of certificates for tires mounted on the vehicle, must be transferred with it.

5. In § 1315.701 (a) the words "indicated on the record" are substituted for the words "which appointed the inspector."

6. Section 1315.702 is amended to read as follows:

§ 1315.702 *New tire inspection record upon transfer of passenger automobile.* When application for a new gasoline ration is necessary under § 1394.8103 of Ration Order No. 5C as a result of a change in ownership of a vehicle, the transferee of the vehicle must turn in the existing tire inspection record to the board issuing the new gasoline ration and the board shall issue a new record for the vehicle as provided in § 1315.701. Within ten (10) days after receipt of the new record, the tires on the vehicle shall be inspected by an authorized Office of Price Administration inspector.

7. Section 1315.704 (a) is amended to read as follows:

(a) Any person desiring to mount a tire upon, or remove a tire from, a passenger automobile pursuant to § 1315.802 (a) (3) or (4) must first surrender the tire inspection record for such automobile to the board having jurisdiction over the automobile. The board, upon being satisfied that the conditions of § 1315.802 (a) have been complied with, shall issue a new tire inspection record for the automobile.

8. Section 1315.802 (a) is amended to read as follows:

(a) Any tire or tube may be mounted and used as follows, unless such mounting or use is specifically prohibited by other provisions of this order or involves a transfer of tires or tubes prohibited thereby:

(1) Upon the equipment for which a certificate or authorization to acquire such tire or tube was granted under this order.

(2) Upon the equipment upon which it was mounted on April 14, 1943: *Provided*, That at the time the tires were mounted upon the equipment such mounting was not in violation of any existing provisions of this order, the revised tire rationing regulations or Ration Order No. 5C.

(3) Upon other equipment, provided the tire or tube is needed for its operation or as an allowable spare and immediately following such mounting the person mounting such tire or tube will use the equipment in operations which would make it eligible for the tube or the grade or type of tire in question. If the tire was obtained on certificate or authorization, its grade at the time of acquisition, and not its present grade, shall control.

(4) Upon other equipment not covered by subparagraph (3), only if authorized in writing by the board having jurisdiction over the vehicle upon which the tire or tube is to be mounted. The board may grant such authorization only where it is satisfied that the mounting or use will result in a conservation of rubber or the more efficient use of tires in activities essential to the war effort, the public health or safety.

(5) To move any house trailer to a site for housing purposes if the tire or tube was acquired under § 1315.511 (b) or is held under § 1394.8014 of Ration Order No. 5C.

(6) Any person mounting or using tires pursuant to this paragraph must comply with the requirements of § 1315.704, if applicable.

9. Section 1315.802 (c) is added to read as follows:

(c) *Temporary transfer, mounting and use of used tires or tubes.* A person may temporarily transfer, without certificate, used tires or tubes to another person who may mount and use them to:

(1) Replace a tube which is being repaired or a tire which is being repaired or recapped;

(2) Move a wrecked, disabled or repossessed vehicle to a garage or other place of safety or storage;

(3) Move vehicles held for resale from one sales premises to another;

(4) Move any house trailer to a site for housing purposes.

Such tires or tubes shall be returned to the transferor within three (3) days after the purpose for which the tires or tubes were transferred is accomplished.

10. Section 1315.806 (g) is amended to read as follows:

(g) *Turn in of tires or tubes to be replaced.* A consumer who holds a certificate for a tire or tube and who is required to turn in the replaced tire or tube shall transfer it to a dealer. A dealer receiving a tire, including a scrap tire, under this paragraph must attach to it a tag on which is stated the serial number of the tire, the date upon which it was turned in, the name of the certificate-holder who turned it in and the serial number of the certificate. The dealer must hold such tire for at least thirty (30) days unless instructed to hold it for a longer or shorter period by an Office of Price Administration representative authorized to give such instructions. All tires held by a dealer under this paragraph must be segregated from any other tires and kept readily available for inspection.

11. In § 1315.1005 (e) reference to § 1315.802 (a) (9) is deleted and refer-

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 7 F.R. 9160, 9392, 9724, 10072, 10336; 8 F.R. 435, 606, 1585, 1628, 1629, 1839, 2030, 2348, 2152, 2670, 2595, 2600, 2719, 3071, 3314, 3521, 3702, 3837, 4179.

ence to § 1315.802 (c) is substituted therefor.

12. Section 1315.1101 is amended to read as follows:

§ 1315.1101 *Who may appeal.* Any person whose application for a certificate, part of a certificate, authorization, or for adjustment of a tire inspection record under § 1315.704 has been denied in whole or in part by the action of a board, State Director, or Regional Administrator, or whose certificate, part of a certificate, or authorization has been revoked, cancelled, suspended, or modified by action of a board, State Director, or Regional Administrator, under Ration Order No. 1A, may appeal from such action or from any other adverse decision of a board.

This amendment shall become effective April 15, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law No. 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, W.P.B. Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 9th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5632; Filed, April 9, 1943;  
3:37 p. m.]

#### PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Reg. 64]

##### HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES BEAUFORT DEFENSE-RENTAL AREA

In the judgment of the Administrator, rents for housing accommodations within the Beaufort Defense-Rental Area as designated in the designation and rent declaration issued by the Administrator on April 28, 1942, as amended, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the said designation and rent declaration.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within the Beaufort Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within the Beaufort Defense-Rental Area on or about March 1, 1942. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommoda-

tions, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this maximum rent regulation for housing accommodations within the Beaufort Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation No. 64 is hereby issued.

AUTHORITY: §§ 1388.981 to 1388.994, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.981 *Scope of regulation.* (a) This maximum rent regulation applies to all housing accommodations within the Beaufort Defense-Rental Area (referred to hereinafter in this maximum rent regulation as the "Defense-Rental Area"), as designated in Designation and Rent Declaration No. 25 (§§ 1388.1201 to 1388.1205)<sup>1</sup> issued by the Administrator on April 28, 1942, as amended (consisting of the Counties of Beaufort and Colleton), except as provided in paragraph (b) of this section.

(b) This maximum rent regulation does not apply to the following:

(1) Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part;

(3) Rooms or other housing accommodations within hotels or rooming houses, or housing accommodations which have been, with the consent of the Administrator, brought under the control of the maximum rent regulation for hotels and rooming houses pursuant to the provisions of that regulation.

(4) Entire structures or premises wherein more than 25 rooms are rented or offered for rent by any lessee, sublessee or other tenant of such entire structure or premises, whether or not used by the lessee, sublessee or other tenant as a hotel or rooming house: *And provided further,* That this maximum rent regulation does apply to an underlying lease of any entire structure or premises which was entered into after March 1, 1942, and prior to the effective date of this maximum rent regulation, while such lease remains in force with no power in the tenant to cancel or otherwise terminate the lease.

(5) Housing accommodations rented to the United States acting by the National Housing Agency: *Provided, how-*

*ever,* That this maximum rent regulation does apply to a sublease or other sub-renting of such accommodations or any part thereof.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this maximum rent regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this maximum rent regulation is void. A tenant shall not be entitled by reason of this maximum rent regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this maximum rent regulation.

§ 1388.982 *Prohibition against higher than maximum rents.* (a) Regardless of any contract, agreement, lease, or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of this maximum rent regulation of any housing accommodations within the Defense-Rental Area higher than the maximum rents provided by this maximum rent regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this maximum rent regulation may be demanded or received.

(b) Notwithstanding any other provision of this maximum rent regulation, where housing accommodations are heated with fuel oil the landlord of such accommodations may as hereinafter provided enter into an agreement with the tenant providing for payment by the tenant of part or all of the cost of changing the heating unit to use some fuel other than oil or of installing a new heating unit using some fuel other than oil. Prior to making such agreement the landlord shall in writing report the terms of the proposed agreement to the area rent office. The landlord may enter into the agreement either upon its approval by the Administrator or, unless the Administrator has disapproved the proposed agreement within five days after the filing of such report, upon the expiration of such 5-day period.

(c) Where a lease of housing accommodations was entered into prior to the effective date of this maximum rent regulation and the tenant as a part of such lease or in connection therewith was granted an option to buy the housing accommodations which were the subject of the lease, with the further provision that some or all of the payments made under the lease should be credited toward the purchase price in the event such option is exercised, the landlord, notwithstanding any other provision of this maximum rent regulation, may be authorized to receive payments made by the tenant in accordance with the provisions of such lease and in excess of the maximum rent for such housing accommodations. Such authority may be secured only by a written request of the tenant to the area rent office and

<sup>1</sup> 7 F.R. 3195, 3892, 4179, 5812, 6389, 7245, 8356, 8507, 9954, 10081; 8 F.R. 121, 1228.

shall be granted by order of the Administrator if he finds that such payments in excess of the maximum rent will not be inconsistent with the purposes of the Act or this maximum rent regulation and would not be likely to result in the circumvention or evasion thereof. After entry of such order the landlord shall be authorized to demand, receive and retain payments provided by the lease in excess of the maximum rent for periods commencing on or after the effective date of this maximum rent regulation. After entry of such order, the provisions of the lease may be enforced in accordance with law, notwithstanding any other provision of this maximum rent regulation: *Provided, however*, That if at the termination of the lease the tenant shall not exercise the option to buy, the landlord may thereafter remove or evict the tenant only in accordance with the provisions of § 1388.986 of this maximum rent regulation. Nothing in this paragraph shall be construed to authorize the landlord to demand or receive payments in excess of the maximum rent in the absence of an order of the Administrator as herein provided. Where a lease of housing accommodations has been entered into on or after the effective date of this maximum rent regulation, and the tenant as a part of such lease or in connection therewith has been granted an option to buy the housing accommodations which are the subject of the lease, the landlord, prior to the exercise by the tenant of the option to buy, shall not demand or receive payments in excess of the maximum rent, whether or not such lease allocates some portion or portions of the periodic payments therein provided as payments on or for the option to buy.

§ 1388.983 *Minimum services, furniture, furnishings and equipment.* Except as set forth in § 1388.985 (b), every landlord shall, as a minimum, provide with housing accommodations the same essential services, furniture, furnishings, and equipment as those provided on the date determining the maximum rent, and as to other services, furniture, furnishings, and equipment not substantially less than those provided on such date: *Provided, however*, That where fuel oil is used to supply heat or hot water for housing accommodations, and the landlord provided heat or hot water on the date determining the maximum rent, the heat and hot water which the landlord is required to supply shall not be in excess of the amount which he can supply under any statute, regulation or order of the United States or any agency thereof which ratifies or limits the use of fuel oil.

§ 1388.984 *Maximum rents.* Maximum rents (unless and until changed by the Administrator as provided in § 1388.985) shall be:

(a) For housing accommodations rented on March 1, 1942, the rent for such accommodations on that date.

(b) For housing accommodations not rented on March 1, 1942, but rented at any time during the two months ending

on that date, the last rent for such accommodations during that two-month period.

(c) For housing accommodations not rented on March 1, 1942, nor during the two months ending on that date, but rented prior to the effective date of this maximum rent regulation, the first rent for such accommodations after March 1, 1942. The Administrator may order a decrease in the maximum rent as provided in § 1388.985 (c).

(d) For (1) newly constructed housing accommodations without priority rating first rented after March 1, 1942, and before the effective date of this maximum rent regulation, or (2) housing accommodations changed between those dates so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations changed between those dates from unfurnished to fully furnished, or from fully furnished to unfurnished, or (4) housing accommodations substantially changed between those dates by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, the first rent for such accommodations after such construction or change: *Provided, however*, That, where such first rent was fixed by a lease which was in force at the time of a major capital improvement, the maximum rent shall be the first rent after termination of such lease. The Administrator may order a decrease in the maximum rent as provided in § 1388.985 (c).

(e) For (1) newly constructed housing accommodations without priority rating first rented on or after the effective date of this maximum rent regulation, or (2) housing accommodations changed on or after such effective date so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations not rented at any time between January 1, 1942, and such effective date, the first rent for such accommodations after the change or the effective date, as the case may be. Within 30 days after so renting the landlord shall register the accommodations as provided in § 1388.987. The Administrator may order a decrease in the maximum rent as provided in § 1388.985 (c).

(f) For housing accommodations constructed with priority rating from the United States or any agency thereof for which the rent has been heretofore or is hereafter approved by the United States or any agency thereof, the rent so approved, but in no event more than the rent on March 1, 1942, or, if the accommodations were not rented on that date, more than the first rent after that date.

(g) For housing accommodations constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942, as de-

termined by the owner of such accommodations: *Provided, however*, That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.985 (c).

(h) For housing accommodations rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department, the rents established on the effective date of this maximum rent regulation by such rent schedule. The Administrator may order an increase in such rents, if he finds that such increase is not inconsistent with the purposes of the Act or this maximum rent regulation.

§ 1388.985 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. In those cases involving a major capital improvement, an increase or decrease in the furniture, furnishings or equipment, an increase or decrease of services, an increase or decrease in the number of subtenants or other occupants, or a deterioration, the adjustment in the maximum rent shall be the amount the Administrator finds would have been on March 1, 1942, the difference in the rental value of the housing accommodations by reason of such change: *Provided, however*, That no adjustment shall be ordered where it appears that the rent on the date determining the maximum rent was fixed in contemplation of and so as to reflect such change. In all other cases, except those under paragraph (a) (7) and (c) (6) of this section, the adjustment shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942. In cases involving construction due consideration shall be given to increased costs of construction, if any, since March 1, 1942. In cases under paragraph (a) (7) and (c) (6) of this section the adjustment shall be on the basis of the rents which the administrator finds were generally prevailing in the Defense-Rental Area for comparable housing accommodations during the year ending on March 1, 1942.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been on or after the effective date of this maximum rent regulation a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, on or prior to March 1, 1942, a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and main-

tenance, and the rent on March 1, 1942 was fixed by a lease or other rental agreement which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent. No increase in the maximum rent shall be ordered on the ground set forth in this paragraph (a) (3) unless the increase in services, furniture, furnishings or equipment occurred with the consent of the tenant or while the accommodations were vacant: *Provided*, That an adjustment may be ordered, although the tenant refuses to consent to the increase in services, furniture, furnishings, or equipment, if the Administrator finds that such increase (i) is reasonably required for the operation of a multiple dwelling structure or other structure of which the accommodations are a part or (ii) is necessary for the preservation or maintenance of the accommodations.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942: *Provided*, That no adjustment under this subparagraph increasing the maximum rent shall be made effective with respect to any accommodations regularly rented to employees of the landlord while the accommodations are rented to an employee, and no petition for such an adjustment will be entertained until the accommodations have been or are about to be rented to one other than an employee.

(5) There was in force on March 1, 1942, a written lease, for a term commencing on or prior to March 1, 1941, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942; or the housing accommodations were not rented on March 1, 1942, but were rented during the two months ending on that date and the last rent for such accommodations during that two-month period was fixed by a written lease, for a term commencing on or prior to March 1, 1941, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(6) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent on the date determining the maximum rent was substantially lower than at other times of year by reason of seasonal demand, or seasonal variations in the rent, for such housing accommodations. In such cases the Administrator's order may if he deems it

advisable provide for different maximum rents for different periods of the calendar year.

(8) There has been, since March 1, 1942, either (i) a substantial increase in the number of subtenants or other persons occupying the accommodations or a part thereof under a rental agreement with the tenant, or (ii) a substantial increase in the number of occupants, in excess of normal occupancy for that class of accommodations on March 1, 1942, or (iii) an increase in the number of occupants over the number contemplated by the rental agreement on the date determining the maximum rent, where the landlord on that date had a regular and definite practice of fixing different rents for the accommodations for different numbers of occupants.

(b) (1) If, on the effective date of this maximum rent regulation, the services provided for housing accommodations are less than the minimum services required by § 1388.983, the landlord shall either restore and maintain such minimum services or, within 30 days after such effective date, file a petition requesting approval of the decreased services. If, on such effective date, the furniture, furnishings or equipment provided with housing accommodations are less than the minimum required by § 1388.983, the landlord shall, within 30 days after such date, file a written report showing the decrease in furniture, furnishings or equipment.

(2) Except as above provided, the landlord shall, until the accommodations become vacant, maintain the minimum services, furniture, furnishings, and equipment unless and until he has filed a petition to decrease the services, furniture, furnishings, or equipment and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, furniture, furnishings, or equipment he shall file a petition within 10 days after the change occurs. When the accommodations become vacant the landlord may, on renting to a new tenant, decrease the services, furniture, furnishings, or equipment below the minimum; within 10 days after so renting the landlord shall file a written report showing such decrease.

(3) The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph may be decreased in accordance with the provisions of § 1388.985 (c) (3). If the landlord fails to file the petition or report required by this paragraph within the time specified, or decreases the services, furniture, furnishings, or equipment without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or the effective date of this maximum rent regulation, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by any order decreasing

the maximum rent on account of such decrease in services, furniture, furnishings, or equipment. In such case, any order decreasing the maximum rent shall be effective to decrease such rent from the beginning of the first rental period after the decrease in services, furniture, furnishings, or equipment or after the effective date of this maximum rent regulation, whichever is the later. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to comply with any requirement of this paragraph.

(c) The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for housing accommodations under paragraph (c), (d), (e), or (g) of § 1388.984 is higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(2) There has been a substantial deterioration of the housing accommodations other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a decrease in the minimum services, furniture, furnishings, or equipment required by § 1388.983 since the date or order determining the maximum rent.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal, or other special relationship between the landlord and the tenant and as a result was substantially higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(5) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially lower rent at other periods during the term of such lease or agreement.

(6) The rent on the date determining the maximum rent was substantially higher than at other times of year by reason of seasonal demand, or seasonal variations in the rent, for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(7) There has been a substantial decrease in the number of subtenants or other occupants since an order under paragraph (a) (8) of this section.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this maximum rent regulation, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is

unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942.

(e) Where housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the tenant may petition the Administrator for leave to exercise any right he would have except for this maximum rent regulation to sell his underlying lease or other rental agreement. The Administrator may grant such petition if he finds that the sale will not result, and that sales of such character would not be likely to result, in the circumvention or evasion of the Act or this maximum rent regulation. He may require that the sale be made on such terms as he deems necessary to prevent such circumvention or evasion.

(f) Where a petition is filed by a landlord on one of the grounds set out in paragraph (a) of this section, the Administrator may enter an interim order increasing the maximum rent until further order, subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order upon such petition. The receipt by the landlord of any increased rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment in cash or, where the tenant remains in occupancy after the effective date of the final order, by deduction from the next installment of rent, or both.

(g) No adjustment in the maximum rent shall be ordered on the ground that the landlord, since the date or order determining the maximum rent, has, as a part of or in connection with a lease of housing accommodations, granted the tenant an option to buy the accommodations which are the subject of the lease. Where a lease of housing accommodations was in force on the date determining the maximum rent, and the landlord had on that date, as a part of or in connection with such lease, granted the tenant an option to buy the accommodations which are the subject of the lease, the Administrator may, on or after the termination of such lease, on his own initiative or on application of the tenant, enter an order fixing the maximum rent on the basis of the rents which the Administrator finds were generally prevailing in the defense-rental area for comparable housing accommodations not subject to an option to buy on March 1, 1942.

§ 1388.986 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant shall be removed from any housing accommoda-

tions, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, and regardless of any contract, lease, agreement or obligation heretofore or hereafter entered into which provides for entry of judgment upon the tenant's confession for breach of the covenants thereof or which otherwise provides contrary hereto, unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement, except insofar as such terms and conditions are inconsistent with this maximum rent regulation; or

(2) The tenant has unreasonably refused the landlord access to the housing accommodations for the purpose of inspection or of showing the accommodations to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the accommodations is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the housing accommodations for an immoral or illegal purpose; or

(4) The tenant's lease or other rental agreement has expired or otherwise terminated, and at the time of termination the occupants of the housing accommodations are subtenants or other persons who occupied under a rental agreement with the tenant, and no part of the accommodations is used by the tenant as his own dwelling.

(5) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the housing accommodations or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(6) The landlord owned, or acquired an enforceable right to buy or the right to possession of, the housing accommodations prior to the effective date of this maximum rent regulation, and seeks in good faith to recover possession of such accommodations for immediate use and occupancy as a dwelling for himself. If a tenant has been removed or evicted under this paragraph (a) (6) from hous-

ing accommodations, the landlord shall file a written report on a form provided therefor before renting the accommodations or any part thereof during a period of six months after such removal or eviction.

(b) (1) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this maximum rent regulation and would not be likely to result in the circumvention or evasion thereof.

(2) Removal or eviction of a tenant of the vendor, for occupancy by a purchaser who has acquired his rights in the housing accommodations on or after the effective date of this maximum rent regulation, is inconsistent with the purposes of the Act and this maximum rent regulation and would be likely to result in the circumvention or evasion thereof, unless (i) the payment or payments of principal made by the purchaser, excluding any payments made from funds borrowed for the purpose of making such principal payments, aggregate 33 1/3% or more of the purchase price, and (ii) a period of three months has elapsed after the issuance of a certificate by the Administrator as herein-after provided. For the purposes of this paragraph (b) (2), the payments of principal may be made by the purchaser conditionally or in escrow to the end that they shall be returned to the purchaser in the event the Administrator denies a petition for a certificate. If the Administrator finds that the required payments of principal have been made, he shall, on petition of either the vendor or purchaser, issue a certificate authorizing the vendor or purchaser to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law at the expiration of three months after the date of issuance of such certificate.

In no other case shall the Administrator issue a certificate for occupancy by a purchaser who has acquired his rights in the housing accommodations on or after the effective date of this maximum rent regulation, unless he finds (i) that the vendor has or had a substantial necessity requiring the sale and that a reasonable sale or disposition of the accommodations could not be made without removal or eviction of the tenant, or (ii) that other special hardship would result, or (iii) that equivalent accommodations are available for rent, into which the tenant can move without substantial hardship or loss; under such circumstances the payment by the purchaser of 33 1/3% of the purchase price shall not be a condition to the issuance of a certificate, and the certificate may authorize the vendor or purchaser, either immediately or at the expiration of three months, to pursue his remedies for re-

removal or eviction of the tenant in accordance with the requirements of the local law.

(c) (1) The provisions of this section do not apply to a subtenant or other person who occupied under a rental agreement with the tenant, where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant.

(2) The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(3) The provisions of this section shall not apply to an occupant of a furnished room or rooms not constituting an apartment, located within the residence occupied by the landlord or his immediate family, where such landlord rents to not more than two occupants within such residence.

(d) (1) Every notice to a tenant to vacate or surrender possession of housing accommodations shall state the ground under this section upon which the landlord relies for removal or eviction of the tenant. A written copy of such notice shall be given to the area rent office within 24 hours after the notice is given to the tenant.

No tenant shall be removed or evicted from housing accommodations, by court process or otherwise, unless, at least ten days (or, where the ground for removal or eviction is non-payment of rent, the period required by the local law for notice prior to the commencement of an action for removal or eviction in such cases, but in no event less than three days) prior to the time specified for surrender of possession and to the commencement of any action for removal or eviction, the landlord has given written notices of the proposed removal or eviction to the tenant and to the area rent office, stating the ground under this section upon which such removal or eviction is sought and specifying the time when the tenant is required to surrender possession.

Where the ground for removal or eviction of a tenant is non-payment of rent, every notice under this paragraph (d) (1) shall state the rent for the housing accommodations, the amount of rent due and the rental period or periods for which such rent is due. The provisions of this paragraph (d) (1) shall not apply where a certificate has been issued by the Administrator pursuant to the provisions of paragraph (b) of this section.

(2) At the time of commencing any action to remove or evict a tenant, including an action based upon nonpayment of rent, the landlord shall give written notice thereof to the area rent office stating the title of the case, the number of the case where that is possible, the court in which it is filed, the name and address of the tenant, and

the ground under this section on which removal or eviction is sought.

(e) No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

§ 1388.987 *Registration.* Within 45 days after the effective date of this maximum rent regulation, or within 30 days after the property is first rented, whichever date is the later, every landlord of housing accommodations rented or offered for rent shall file in triplicate a written statement on the form provided therefor to be known as a registration statement. The statement shall identify each dwelling unit and specify the maximum rent provided by this maximum rent regulation for such dwelling unit and shall contain such other information as the Administrator shall require. The original shall remain on file with the Administrator and he shall cause one copy to be delivered to the tenant and one copy, stamped to indicate that it is a correct copy of the original, to be returned to the landlord. In any subsequent change of tenancy the landlord shall exhibit to the new tenant his stamped copy of the registration statement, and shall obtain the tenant's signature and the date thereof, on the back of such statement. Within five days after renting to a new tenant, the landlord shall file a notice on the form provided therefor, on which he shall obtain the tenant's signature, stating that there has been a change in tenancy, that the stamped copy of the registration statement has been exhibited to the new tenant and that the rent for such accommodations is in conformity therewith.

No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

When the maximum rent is changed by order of the Administrator, the landlord shall deliver his stamped copy of the registration statement to the area rent office for appropriate action reflecting such change.

The foregoing provisions of this section shall not apply to housing accommodations under § 1388.984 (g). The owner of such housing accommodations shall file a schedule or schedules, setting out the maximum rents for all such accommodations in the Defense-Rental Area and containing such other information as the Administrator shall require. A copy of such schedule or schedules shall be posted by the owner in a place where it will be available for inspection by the tenants of such housing accommodations.

The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including any civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

§ 1388.988 *Inspection.* Any person who rents or offers for rent or acts as broker or agent for the rental of hous-

ing accommodations and any tenant shall permit such inspection of the accommodations by the Administrator as he may, from time to time, require.

§ 1388.989 *Evasion.* The maximum rents and other requirements provided in this maximum rent regulation shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of housing accommodations, by way of absolute or conditional sale, sale with purchase money or other form of mortgage, or sale with option to repurchase, or by modification of the practices relating to payment of commissions or other charges or by modification of the services furnished with housing accommodations, or otherwise.

§ 1388.990 *Enforcement.* Persons violating any provision of this maximum rent regulation are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

§ 1388.991 *Procedure.* All registration statements, reports and notices provided for by this maximum rent regulation shall be filed with the area rent office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Revised Procedural Regulation No. 3 (§§ 1300.201 to 1300.253, inclusive).<sup>2</sup>

§ 1388.992 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this maximum rent regulation may file petitions therefor in accordance with Revised Procedural Regulation No. 3 (§§ 1300.201 to 1300.253, inclusive).

§ 1388.993 *Definitions.* (a) When used in this maximum rent regulation:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The term "area rent office" means the office of the Rent Director in the Defense-Rental Area.

(5) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(6) The term "housing accommodations" means any building, structure, or

<sup>2</sup> 8 F.R. 526, 1798, 3534.

part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of housing accommodations.

(8) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

(9) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

(10) The term "rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for the use or occupancy of housing accommodations or for the transfer of a lease of such accommodations.

(11) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(12) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this maximum rent regulation.

§ 1388.994 *Effective date of the regulation.* This maximum rent regulation (§§ 1388.981 to 1388.994, inclusive), shall become effective April 15, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 9th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

## PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Reg. 65A]

### HOTELS AND ROOMING HOUSES

#### BEAUFORT DEFENSE-RENTAL AREA<sup>1</sup>

In the judgment of the Administrator, rents for housing accommodations within the Beaufort Defense-Rental Area, as designated in the designation and rent declaration issued by the Administrator on April 28, 1942, as amended, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the said designation and rent declaration.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increase in rents for housing accommodations within the Beaufort Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within the Beaufort Defense-Rental Area on or about March 1, 1942. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this maximum rent regulation for rooms in hotels and rooming houses within the Beaufort Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation No. 65A is hereby issued.

AUTHORITY: §§ 1388.1031 to 1388.1044, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.1031 *Scope of regulation.* (a) This Maximum Rent Regulation No. 65A applies to all rooms in hotels and rooming houses within the Beaufort Defense-Rental Area (referred to hereinafter in this maximum rent regulation as the "Defense-Rental Area"), as designated in Designation and Rent Declaration No. 25 (§§ 1388.1201 to 1388.1205, inclusive)<sup>1</sup> issued by the Administrator on April 28, 1942, as amended (consisting of the Counties of Beaufort and Colleton), except as provided in paragraph (b) of this section.

(b) This maximum rent regulation does not apply to the following:

(1) Rooms situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Rooms occupied by domestic servants, caretakers, managers, or other employees to whom the rooms are provided as part of their compensation and who

are employed for the purpose of rendering services in connection with the premises of which the rooms are a part;

(3) Rooms in hospitals, or rooms of charitable or educational institutions used in carrying out their charitable or educational purposes;

(4) Entire structures or premises used as hotels or rooming houses, as distinguished from the rooms within such hotels or rooming houses.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this maximum rent regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this maximum rent regulation is void. A tenant shall not be entitled by reason of this maximum rent regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this maximum rent regulation.

(e) Where a building or establishment which does not come within the definitions of a hotel or rooming house contains one or more furnished rooms or other furnished housing accommodations rented on a daily, weekly, or monthly basis, the landlord may, with the consent of the Administrator, elect to bring all housing accommodations within such building or establishment under the control of this maximum rent regulation. A landlord who so elects shall file a registration statement under this maximum rent regulation for all such housing accommodations, accompanied by a written request to the Administrator to consent to such election.

If the Administrator finds that the provisions of this maximum rent regulation establishing maximum rents are better adapted to the rental practices for such building or establishment than the provisions of the maximum rent regulation for housing accommodations other than hotels and rooming houses, he shall consent to the landlord's election. Upon such consent, all housing accommodations within such building or establishment which are or hereafter may be rented or offered for rent shall become subject to the provisions of this maximum rent regulation, and shall be considered rooms within a rooming house for the purposes of the provisions relating to eviction.

The landlord may at any time, with the consent of the Administrator, revoke his election, and thereby bring under the control of the maximum rent regulation for housing accommodations other than hotels and rooming houses all housing accommodations previously brought under this maximum rent regulation by such election. He shall make such revocation by filing a registration statement or statements under the maximum rent regulation for housing accommodations other than hotels and rooming houses, including in such registration statement or statements all

<sup>1</sup> 17 F.R. 3195, 3892, 4179, 5812, 6389, 7245, 8356, 8507, 9954, 10081; 8 F.R. 121, 1228.

housing accommodations brought under this maximum rent regulation by such election. Such registration statement or statements shall be accompanied by a written request to the Administrator to consent to such revocation. The Administrator may defer action on such request if he has taken or is about to take action to decrease the maximum rents of any housing accommodations within such building or establishment. If the Administrator finds that the revocation so requested will not result in substantial increases in the maximum rents of housing accommodations affected by such revocation, he shall give such consent. Upon such consent, all housing accommodations affected by such revocation shall become subject to the provisions of the maximum rent regulation for housing accommodations other than hotels and rooming houses.

§ 1388.1032 *Prohibition.* (a) Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of this maximum rent regulation of any room in a hotel or rooming house within the Defense-Rental Area higher than the maximum rents provided by this maximum rent regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this maximum rent regulation may be demanded or received.

(b) (1) No tenant shall be required to change his term of occupancy.

(2) Where, during June 1942, a room was rented or offered for rent for a weekly or monthly term of occupancy, the landlord shall continue to offer the room for rent for that term of occupancy except that he is not required to rent for that term more than the greatest number of rooms which were rented for the term at any one time during June 1942. However, if, during the year ending on June 30, 1942, a landlord had regular and definite seasonal practices with reference to the renting of rooms on a weekly or monthly basis, he may request the Administrator to approve such practices. When approval is given the landlord shall offer rooms for rent for weekly and monthly terms of occupancy pursuant to the practices so approved. The Administrator may withdraw approval at any time if he finds that the landlord has failed to conform to such practices, or if he finds that the effects of the approval are inconsistent with the Act or this maximum rent regulation or are likely to result in the circumvention or evasion thereof.

(3) Any tenant on a daily or weekly term of occupancy shall on request be permitted by the landlord to change to a weekly or monthly term unless the landlord is then renting for such term a number of rooms equal to the number which he is required to rent for that term under subparagraph (2). If the room occupied by such tenant was not rented or offered for rent for such term during June 1942, the landlord may transfer the tenant to a room, as similar

as possible, which was so rented or offered for rent.

(4) Where, since October 1, 1942, a room, cabin or similar accommodations in a tourist camp, cabin camp, auto court or similar establishment has been or is hereafter rented to the same tenant for a continuous period of 60 days or longer on a daily or weekly basis, the landlord shall offer such room, cabin or other accommodations for rent for a monthly term of occupancy, regardless of the provisions of subparagraph (2) of this paragraph. The room, cabin or other accommodations shall be offered for rent on a monthly basis for each number of occupants for which it is offered by the landlord for any other term of occupancy. Any tenant of such room, cabin or other accommodations on a daily or weekly basis shall on request be permitted by the landlord to change to a monthly term of occupancy.

Notwithstanding the provisions of § 1388.1034 (c) of this maximum rent regulation, if no maximum rent is established for such room, cabin or other accommodations for a monthly term of occupancy or for a particular number of occupants for such term, the Administrator on his own initiative may enter an order fixing the maximum rent for that term and number of occupants and specifying the minimum services. This maximum rent shall be fixed on the basis of the rent generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942.

§ 1388.1033 *Minimum services, furniture, furnishings, and equipment.* Except as set forth in § 1388.1035 (b), every landlord shall, as a minimum, provide with a room the same essential services, furniture, furnishings and equipment as those provided on the date or during the thirty-day period determining the maximum rent, and as to other services, furniture, furnishings, and equipment not substantially less than those provided on such date or during such period: *Provided, however,* That where fuel oil is used to supply heat or hot water for a room, and the landlord provided heat or hot water on the date or during the thirty-day period determining the maximum rent, the heat and hot water which the landlord is required to supply shall not be in excess of the amount which he can supply under any statute, regulation or order of the United States or any agency thereof which rations or limits the use of fuel oil.

§ 1388.1034 *Maximum rents.* This section establishes separate maximum rents for different terms of occupancy (daily, weekly or monthly) and numbers of occupants of a particular room. Maximum rents for rooms in a hotel or rooming house (unless and until changed by the Administrator as provided in § 1388.1035) shall be:

(a) For a room rented or regularly offered for rent during the thirty days ending on March 1, 1942, the highest rent for each term or number of occupants for which the room was rented during that thirty-day period, or, if the

room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(b) For a room neither rented nor regularly offered for rent during the thirty days ending March 1, 1942, the highest rent for each term or number of occupants for which the room was rented during the thirty days commencing when it was first offered for rent after March 1, 1942; or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(c) For a room rented for a particular term or number of occupants for which no maximum rent is established under paragraphs (a) or (b) of this section the first rent for the room after March 1, 1942, for that term and number of occupants, but not more than the maximum rent for similar rooms for the same term and number of occupants in the same hotel or rooming house.

(d) For a room constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942, as determined by the owner of such rooms: *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.1035 (c) (1).

(e) For a room with which meals were provided during the thirty-day period determining the maximum rent without separate charge therefor, the rent apportioned by the landlord from the total charge for the room and meals. The landlord's apportionment shall be fair and reasonable and shall be reported in the registration statement for such room. The Administrator at any time on his own initiative or on application of the tenant may by order decrease the maximum rent established by such apportionment, if he finds that the apportionment was unfair or unreasonable.

Every landlord who provides meals with accommodations shall make separate charges for the two. No landlord shall require the taking of meals as a condition of renting any room unless the room was rented or offered for rent on that basis on June 15, 1942.

(f) For a room rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department, the rents established on the effective date of this maximum rent regulation by such rent schedule. The Administrator may order an increase in such rents, if he finds that

such increase is not inconsistent with the purposes of the Act or this maximum rent regulation.

§ 1388.1035 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. Except in cases under paragraphs (a) (7) and (c) (4) of this section, every adjustment of a maximum rent shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942: *Provided, however,* That no maximum rent shall be increased because of a major capital improvement or an increase in services, furniture, furnishings or equipment, by more than the amount which the Administrator finds would have been on March 1, 1942, the difference in the rental value of the accommodations by reason of such improvement or increase: *And provided, further,* That no adjustment shall be ordered because of a major capital improvement, an increase or decrease in services, furniture, furnishings, or equipment, or a deterioration, where it appears that the rent during the thirty-day period determining the maximum rent was fixed in contemplation of and so as to reflect such change. In cases involving construction due consideration shall be given to increased costs of construction, if any, since March 1, 1942. In cases under paragraphs (a) (7) and (c) (4) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable housing accommodations during the year ending on March 1, 1942.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been, since the thirty-day period or the order determining the maximum rent for the room, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, on or prior to March 1, 1942, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent during the thirty-day period ending on March 1, 1942, was fixed by a lease or other rental agreement which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the room since the thirty-day period or the order determining its maximum rent.

(4) The rent during the thirty-day period determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant, or by an allowance or discount to a tenant of a class of persons to whom the landlord regularly offered such an allowance or discount, and as a result was substan-

tially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(5) There was in force on March 1, 1942, a written lease, for a term commencing on or prior to March 1, 1941, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(6) The rent during the thirty-day period determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent during the thirty-day period determining the maximum rent for the room was substantially lower than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(b) (1) If, on the effective date of this maximum rent regulation, the services provided for a room are less than the minimum services required by § 1388.1033 the landlord shall either restore and maintain such minimum services or, within 30 days after such effective date, file a petition requesting approval of the decreased services. If, on such effective date, the furniture, furnishings or equipment provided with a room are less than the minimum required by § 1388.1033, the landlord shall, within 30 days after such date, file a written report showing the decrease in furniture, furnishings or equipment.

(2) Except as above provided, the landlord shall, until the room becomes vacant, maintain the minimum services, furniture, furnishings and equipment unless and until he has filed a petition to decrease the services, furniture, furnishings or equipment and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, furniture, furnishings or equipment he shall file a petition within 10 days after the change occurs. When the room becomes vacant the landlord may, on renting to a new tenant, decrease the services, furniture, furnishings or equipment below the minimum; within 10 days after so renting the landlord shall file a written report showing such decrease.

(3) The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph may be decreased in accordance with the provisions of § 1388.1035 (c) (3). If the landlord fails to file the petition or report required by this paragraph within the time specified, or decreases the services, furniture, furnishings or equipment without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or the effective date of this maximum rent regulation, whichever is the later, shall be received subject to

refund to the tenant of any amount in excess of the maximum rent which may later be fixed by any order decreasing the maximum rent on account of such decrease in services, furniture, furnishings or equipment. In such case, any order decreasing the maximum rent shall be effective to decrease such rent from the beginning of the first rental period after the decrease in services, furniture, furnishings or equipment or after the effective date of this maximum rent regulation, whichever is the later. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to comply with any requirement of this paragraph.

(c) The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for the room is higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(2) There has been a substantial deterioration of the room other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a decrease in the minimum services, furniture, furnishings or equipment required by § 1388.1033 since the date or order determining the maximum rent.

(4) The rent on the date determining the maximum rent for the room was substantially higher than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this maximum rent regulation, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

§ 1388.1036 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant of a room within a hotel or rooming house shall be removed from such room, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated unless:

(1) The tenant, who had a written lease or other written rental agreement,

has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this maximum rent regulation; or

(2) The tenant has unreasonably refused the landlord access to the room for the purpose of inspection or of showing the room to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the room is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the room for an immoral or illegal purpose; or

(4) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the room or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(5) The landlord seeks in good faith not to offer the room for rent. If a tenant has been removed or evicted from a room under this paragraph (a) (5), the landlord shall file a written report on a form provided therefor before renting the room during a period of 6 months after such removal or eviction.

(b) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this maximum rent regulation and would not be likely to result in the circumvention or evasion thereof.

(c) At the time of commencing any action to remove or evict a tenant (except an action based on non-payment of a rent not in excess of the maximum rent) the landlord shall give written notice thereof to the area rent office stating the title and number of the case, the court in which it is filed, the name and address of the tenant and the grounds on which eviction is sought.

(d) The provisions of this section do not apply to:

(1) A subtenant or other person who occupied under a rental agreement with the tenant where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant,

unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant; or

(2) A tenant occupying a room within a hotel on a daily or weekly basis; or a tenant occupying on a daily basis a room within a rooming house which has heretofore usually been rented on a daily basis: *Provided,* That the provisions of this section do apply to a tenant on a daily or weekly basis who has requested a weekly or monthly term of occupancy pursuant to § 1388.1032 (b) (3) or (4).

(3) Rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War and Navy Department.

(4) An occupant of a furnished room or rooms not constituting an apartment, located within the residence occupied by the landlord or his immediate family, where such landlord rents to not more than two occupants within such residence.

No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

#### § 1388.1037 Registration and records.

(a) Within 45 days after the effective date of this maximum rent regulation every landlord of a room rented or offered for rent shall file a written statement on the form provided therefor, containing such information as the Administrator shall require, to be known as a registration statement. Any maximum rent established after the effective date of this maximum rent regulation under paragraphs (b) or (c) of § 1388.1034 shall be reported either on the first registration statement or on a statement filed within 5 days after such rent is established.

(b) Within 45 days after the effective date of this maximum rent regulation, every landlord shall post and thereafter keep posted conspicuously in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and for all numbers of occupants for which the room is rented or offered for rent. Where the taking of meals by the tenant or prospective tenant is a condition of renting such room, the card or sign shall so state. Should the maximum rent or rents for the room be changed by order of the Administrator the landlord shall alter the card or sign so that it states the changed rent or rents.

The foregoing provisions of this paragraph shall not apply to rooms under § 1388.1034 (d). The owner of such rooms shall post a copy of the registration statement in a place where it will be available for inspection by the tenants of such rooms.

(c) No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

(d) The provisions of this section shall not apply to rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the

national rent schedule of the War or Navy Department.

(e) (1) Every landlord of a room rented or offered for rent shall preserve, and make available for examination by the Administrator, all his existing records showing or relating to (i) the rent for each term and number of occupants for which such room was rented or regularly offered for rent during the thirty-day period determining the maximum rent for such room, (ii) the rent on any date determining a maximum rent for such room for a particular term and number of occupants under § 1388.1034 (c), and (iii) rooms rented and offered for rent on a weekly and monthly basis during June, 1942.

(2) Every landlord of an establishment containing more than 20 rooms rented or offered for rent shall keep, preserve, and make available for examination by the Administrator, records showing the rents received for each room, the particular term and number of occupants for which such rents were charged, and the name and permanent address of each occupant; every other landlord shall keep, preserve, and make available for examination by the Administrator, records of the same kind as he has customarily kept relating to the rents received for rooms.

§ 1388.1038 Inspection. Any person who rents or offers for rent or acts as a broker or agent for the rental of a room and any tenant shall permit such inspection of the room by the Administrator as he may from time to time require.

§ 1388.1039 Evasion. The maximum rents and other requirements provided in this maximum rent regulation shall not be evaded, either directly or indirectly in connection with the renting or leasing or the transfer of a lease of a room, by requiring the tenant to pay or obligate himself for membership or other fees, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with the room, or otherwise.

§ 1388.1040 Enforcement. Persons violating any provisions of this maximum rent regulation are subject to criminal penalties, civil enforcement actions, and suits for treble damages as provided for by the Act.

§ 1388.1041 Procedure. All registration statements, reports and notices provided for by this maximum rent regulation shall be filed with the area rent office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Revised Procedural Regulation No. 3, (§§ 1300.201 to 1300.253, inclusive).<sup>2</sup>

§ 1388.1042 Petitions for amendment. Persons seeking any amendment of general applicability to any provision of this maximum rent regulation may file petitions therefor in accordance with Revised Procedural Regulation No. 3, (§§ 1300.201 to 1300.253, inclusive).

<sup>2</sup> 8 F.R. 526, 1798, 3534.

§ 1388.1043 *Definitions.* (a) When used in this maximum rent regulation:

(1) The term "act" means the Emergency Price Control Act of 1942.

(2) The term "administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the administrator may appoint or designate to carry out any of the duties delegated to him by the act.

(3) The term "rent director" means the person designated by the administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the rent director by the administrator.

(4) The "area rent office" means the office of the rent director in the Defense-Rental Area.

(5) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes (including houses, apartments, hotels, rooming or boarding house accommodations, and other properties used for living or dwelling purposes), together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "room" means a room or group of rooms rented or offered for rent as a unit in a hotel or rooming house. The term includes ground rented as space for a trailer.

(8) The term "services" includes repairs, decorating, and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of a room.

(9) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any room, or an agent of any of the foregoing.

(10) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any room.

(11) The term "rent" means the consideration, including any bonus, benefit, or gratuity demanded or received for the use or occupancy of a room or for the transfer of a lease of such room.

(12) The term "term of occupancy" means occupancy on a daily, weekly, or monthly basis.

(13) The term "hotel" means any establishment generally recognized as such

in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(14) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this maximum rent regulation.

§ 1388.1044 *Effective date of the regulation.* This maximum rent regulation (§§ 1388.1031 to 1388.1044, inclusive) shall become effective April 15, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 9th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5634; Filed, April 9, 1943;  
3:38 p. m.]

(35) South Carolina..... South Carolina.....

This amendment shall become effective April 15, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 9th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5636; Filed, April 9, 1943;  
3:38 p. m.]

#### PART 1413—SOFTWOOD LUMBER PRODUCTS

[Rev. MPR 13,<sup>1</sup> Amendment 3]

##### DOUGLAS FIR PLYWOOD

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

Sections 1413.14 and 1413.15 are amended, and a new paragraph (c) is added to § 1413.13a; all as set forth below:

§ 1413.14 *Appendix A: Maximum prices: moisture resistant plywood—(a) Basic prices.* The maximum prices,

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 7 F.R. 10017; 8 F.R. 1588, 2993.

#### PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 25,<sup>1</sup> Amendment 12]

##### DESIGNATION OF 262 DEFENSE-RENTAL AREAS AND RENT DECLARATION RELATING TO SUCH AREAS

Item (190) listed in the table in § 1388.1201 of Designation and Rent Declaration No. 25 is amended to read as follows:

(190) Beaufort...South Carolina...Counties of Beaufort and Colleton

This amendment shall become effective April 15, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 9th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5635; Filed, April 9, 1943;  
3:38 p. m.]

#### PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 31,<sup>1</sup> Amendment 5]

##### DESIGNATION OF 46 DEFENSE-RENTAL AREAS AND RENT DECLARATION RELATING TO SUCH AREAS

Item (35) listed in the table in § 1388.1341 of Designation and Rent Declaration No. 31 is amended to read as follows:

(35) South Carolina..... South Carolina..... That portion of the State of South Carolina not heretofore designated by the Price Administrator as part of any defense-rental area, except the County of Colleton (which becomes a part of the Beaufort Defense-Rental Area, effective April 15, 1943).

f. o. b. mill, for direct-mill sales of moisture-resistant type Douglas fir plywood, in grades and sizes listed in § 1276.1 (b) of Limitation Order L-150,<sup>2</sup> as amended, shall be as follows:

##### (1) PLYSCORD

(Douglas Fir Plywood Sheathing)

(1) Maximum prices for plyscord in widths of 36" and 48" and in lengths of 96":

|  | Price per M sq. ft.<br>f. o. b. mill |                    |
|--|--------------------------------------|--------------------|
|  | Straight carloads                    | Less than carloads |
| 5/16" 3 ply, rough.....                      | \$29.70                              | \$30.90            |
| 3/8" 3 ply, rough.....                       | 35.20                                | 36.80              |
| 1/2" 3 or 5 ply at mill's option, rough..... | 46.35                                | 49.15              |
| 3/4" 3 or 5 ply at mill's option, rough..... | 57.50                                | 61.20              |

(11) Long standard lengths. For panels in widths of 36" and 48" and in lengths of 9', 10', 11', and 12', the following additional charges may be made:

\$5.80 per M sq. ft. for 9' lengths.  
\$8.80 per M sq. ft. for 10' lengths.  
\$14.60 per M sq. ft. for 11' lengths.  
\$17.60 per M sq. ft. for 12' lengths.

<sup>1</sup> 7 F.R. 3195, 3892, 4179, 5812, 6389, 7245, 8356, 8507, 9954, 10081; 8 F.R. 121, 1228.

<sup>2</sup> 7 F.R. 7942; 8 F.R. 122, 1229, 1749.

<sup>3</sup> 7 F.R. 4482, 7796.

## (2) PLYWALL

(Douglas Fir Plywood Wallboard)

(1) Maximum prices for plywall in widths of 48" and in lengths of 60", 72", 84", and 96":

|   | Price per M sq. ft.<br>f. o. b. mill |                       |
|---|--------------------------------------|-----------------------|
|   | Straight<br>carloads                 | Less than<br>carloads |
| 5/16" 3 ply S2S to 1/4"                     | \$33.00                              | \$34.30               |
| 5/16" 3 ply S2S to 3/8"                     | 44.55                                | 47.20                 |
| 5/16" 5 ply S2S to 1/4"                     | 59.95                                | 63.95                 |
| 1/4" studding strips (per M<br>lineal feet) | 5.85                                 | 5.85                  |

(11) Long standard lengths. For panels in widths of 48" and in lengths of 9', 10', 11', and 12', the following additional charges may be made:

\$5.80 per M sq. ft. for 9' lengths.  
 \$8.80 per M sq. ft. for 10' lengths.  
 \$14.60 per M sq. ft. for 11' lengths.  
 \$17.60 per M sq. ft. for 12' lengths.

## (3) PLYFORM

(Douglas Fir Plywood Concrete Form Panels)

(1) Maximum prices for plyform in widths of 36", 48" and in lengths of 60", 72", 84", and 96":

|  | Price per M sq. ft.<br>f. o. b. mill |                       |
|--|--------------------------------------|-----------------------|
|  | Straight<br>carloads                 | Less than<br>carloads |
| 5/16" 3 ply S2S to 1/4" (Form<br>liners) | \$48.40                              | \$51.70               |
| 5/16" 5 ply S2S to 1/4"                  | 83.70                                | 91.45                 |
| 5/16" 5 ply S2S to 3/8"                  | 89.55                                | 97.90                 |
| 13/16" 5 ply S2S to 3/8"                 | 94.05                                | 102.45                |
| 13/16" 5 ply S2S to 1/2"                 | 103.75                               | 113.35                |

(11) Oiled faces. For plyform with oiled faces, a charge not to exceed \$1.10 per M sq. ft. may be added.

(111) Wide width. Add to the maximum price for 48" widths:

\$8.80 per M sq. ft. for 60" widths.

(111) Long lengths. Add to the maximum price for 96" lengths:

\$5.80 for M sq. ft. for 9' lengths.  
 \$8.80 per M sq. ft. for 10' lengths.  
 \$14.60 per M sq. ft. for 11' lengths.  
 \$17.60 per M sq. ft. for 12' lengths.

## (4) AUTOMOBILE AND INDUSTRIAL PLYWOOD—ROUGH PANELS

(1) Maximum prices for automobile and industrial plywood—rough panels:

|   | Price per M sq. ft.<br>f. o. b. mill |                       |
|---|--------------------------------------|-----------------------|
|   | Straight<br>carloads                 | Less than<br>carloads |
| 3/4" rough, 3 ply, sizes up to<br>48" x 96"   | \$32.10                              | \$35.15               |
| 5/16" rough, 3 ply, sizes up to<br>48" x 96"  | 32.10                                | 35.15                 |
| 3/4" rough, 3 ply, sizes up to<br>48" x 96"   | 38.50                                | 42.35                 |
| 1/2" rough, 5 ply, sizes up to<br>48" x 96"   | 53.70                                | 58.75                 |
| 5/16" rough, 5 ply, sizes up to<br>48" x 96"  | 59.15                                | 64.80                 |
| 3/4" rough, 5 ply, sizes up to<br>48" x 96"   | 64.65                                | 70.80                 |
| 13/16" rough, 5 ply, sizes up to<br>48" x 96" | 70.05                                | 76.80                 |
| 3/4" rough, 5 ply, sizes up to<br>48" x 96"   | 75.50                                | 82.70                 |
| 3/4" rough, 5 ply, sizes up to<br>48" x 96"   | 86.45                                | 94.65                 |
| 3/4" rough, 7 ply, sizes up to<br>48" x 96"   | 90.55                                | 99.10                 |

(11) Wide widths. Add to the maximum price for 48" widths:

Per M sq. ft.

Over 48" to 60", inclusive..... \$8.80

(111) Long lengths. Add to the maximum price for 96" lengths:

Per M sq. ft.

Over 96" to 108", inclusive..... \$5.80

Over 108" to 120", inclusive..... 8.80

Over 120" to 132", inclusive..... 14.60

Over 132" to 144", inclusive..... 17.60

## (5) PLYPANEL—SOUND 1 SIDE

(1) Maximum prices for plypanel—Sound 1 side in widths of 24", 30", 36", and 48" and in lengths of 60", 72", 84", and 96":

|  | Price per M sq. ft.<br>f. o. b. mill |                       |
|--|--------------------------------------|-----------------------|
|  | Straight<br>carloads                 | Less than<br>carloads |
| 3/16" 3 ply S2S to 1/4" or 1/4"—<br>3 ply S2S to 3/16" | \$36.45                              | \$40.00               |
| 24" width.....   | 37.55                                | 41.05                 |
| 30" and 36" width.....                                 | 39.60                                | 43.30                 |
| 3/16" 3 ply S2S to 1/4":<br>24" width.....             | 32.60                                | 36.15                 |
| 30" and 36" width.....                                 | 33.70                                | 37.20                 |
| 48" width.....   | 35.75                                | 39.45                 |
| 3/16" 3 ply S2S to 3/8":<br>24" width.....             | 44.85                                | 49.45                 |
| 30" and 36" width.....                                 | 45.85                                | 50.55                 |
| 48" width.....   | 47.90                                | 52.75                 |
| 3/16" 5 ply S2S to 1/4":<br>24" width.....             | 62.10                                | 68.25                 |
| 30" and 36" width.....                                 | 63.10                                | 69.30                 |
| 48" width.....   | 65.10                                | 71.60                 |
| 3/16" 5 ply S2S to 3/8":<br>24" width.....             | 74.20                                | 81.55                 |
| 30" and 36" width.....                                 | 75.25                                | 82.65                 |
| 48" width.....   | 77.20                                | 84.85                 |
| 3/16" 5 ply S2S to 1/2":<br>24" width.....             | 84.45                                | 92.70                 |
| 30" and 36" width.....                                 | 85.35                                | 93.70                 |
| 48" width.....   | 87.35                                | 96.00                 |

(11) Wide width. Add to the maximum price for 48" widths:

\$8.80 per M sq. ft. for 60" widths.

(111) Long lengths. Add to the maximum price for 96" lengths:

\$5.80 per M sq. ft. for 9' lengths.  
 \$8.80 per M sq. ft. for 10' lengths.  
 \$14.60 per M sq. ft. for 11' lengths.  
 \$17.60 per M sq. ft. for 12' lengths.

## (6) PLYPANEL—SOUND 2 SIDES

(1) Maximum prices for plypanel—Sound 2 sides in widths of 24", 30", 36", and 48" and in lengths of 60", 72", 84", and 96":

"Sound 1 side plypanel" means a grade of moisture resistant type Douglas fir plywood which satisfies the following standards: The face shall be of one or more pieces of firm smoothly cut veneer. When of more than one piece, it shall be well joined and reasonably matched for grain and color at the joints. It shall be free from knots, splits, checks, pitch pockets and other open defects. Streaks, discolorations, sapwood, shims and neatly made patches shall be admitted. The face shall present a smooth surface suitable for painting. The back shall present a solid surface with all knots in excess of one inch patched and with the following permitted: Not more than six knotholes or borer holes 1/2 of an inch or less in greatest dimension, splits 1/2 of an inch or less in width and pitch pockets not in excess of one inch wide or three inches long or that do not penetrate through veneer to glue line. There may be any number of patches and plugs in the back.

|   | Price per M sq. ft.<br>f. o. b. mill |                       |
|---|--------------------------------------|-----------------------|
|   | Straight<br>carloads                 | Less than<br>carloads |
| 3/16" 3 ply S2S to 1/4" or 1/4"—<br>3 ply S2S to 3/16":<br>24" width..... | \$39.20                              | \$42.75               |
| 30" and 36" width.....  | 40.30                                | 43.80                 |
| 48" width.....  | 42.35                                | 46.05                 |
| 3/16" 3 ply S2S to 1/4":<br>24" width.....                                | 35.35                                | 38.90                 |
| 30" and 36" width.....  | 36.45                                | 39.95                 |
| 48" width.....  | 38.50                                | 42.20                 |
| 3/16" 3 ply S2S to 3/8":<br>24" width.....                                | 47.60                                | 52.20                 |
| 30" and 36" width.....  | 48.60                                | 53.20                 |
| 48" width.....  | 50.65                                | 55.50                 |
| 3/16" 5 ply S2S to 1/4":<br>24" width.....                                | 64.85                                | 71.00                 |
| 30" and 36" width.....  | 65.85                                | 72.05                 |
| 48" width.....  | 67.85                                | 74.35                 |
| 3/16" 5 ply S2S to 3/8":<br>24" width.....                                | 76.95                                | 84.30                 |
| 30" and 36" width.....  | 78.00                                | 85.40                 |
| 48" width.....  | 79.95                                | 87.60                 |
| 3/16" 5 ply S2S to 1/2":<br>24" width.....                                | 87.20                                | 95.45                 |
| 30" and 36" width.....  | 88.10                                | 96.45                 |
| 48" width.....  | 90.10                                | 98.75                 |

(11) Wide width. Add to the maximum price for 48" widths:

\$8.80 per M sq. ft. for 60" widths.

(111) Long lengths. Add to the maximum price for 96" lengths:

\$5.80 per M sq. ft. for 9' lengths.  
 \$8.80 per M sq. ft. for 10' lengths.  
 \$14.60 per M sq. ft. for 11' lengths.  
 \$17.60 per M sq. ft. for 12' lengths.

## (7) DOOR PANELS—SOUND 2 SIDES

(1) Maximum prices for door panels—Sound 2 sides in widths of 22", 24", 26", 28", 30", 36", and 48" and in lengths of 60", 72", 84" and 96": (All sizes to be figured on actual surface measure furnished)

|  | Price per M sq. ft.<br>f. o. b. mill |                       |
|--|--------------------------------------|-----------------------|
|  | Straight<br>carloads                 | Less than<br>carloads |
| 5/16" 3 ply S2S to 1/4":<br>22" and 24" width..... | \$35.35                              | \$38.90               |
| 26", 28", 30" and 36" width.....                   | 36.45                                | 39.95                 |
| 48" width.....                                     | 38.50                                | 42.20                 |

(b) Special extras. The following additions to the maximum price established in paragraph (a) of this section may be made for the specified special extras:

(1) Selected sound cores and crossbands:  
 \$2.75 per M sq. ft. for 3 ply.  
 \$8.25 per M sq. ft. for 5 ply.  
 \$13.75 per M sq. ft. for 7 ply.

(2) Core stock: (In lengths not over 48") Add to maximum price for sound 2 sides or sound 1 side in 48" widths:

\$11.60 per M sq. ft. for widths up to 96".  
 \$16.50 per M sq. ft. for widths up to 108".  
 \$22.00 per M sq. ft. for widths up to 120".  
 \$27.50 per M sq. ft. for width up to 132".  
 \$33.00 per M sq. ft. for widths up to 144".

(3) Redrying: \$3.30 per M sq. ft. (No addition for 1/4 or 3/16" sanded panels).

(4) Special gluing specifications:

\$5.50 per M sq. ft. for 3 ply.  
 \$11.00 per M sq. ft. for 5 ply.  
 \$16.50 per M sq. ft. for 7 ply.

Note: This shall include all special glue specifications and assembly requirements. Each panel so manufactured shall be stamped with the word "Special".

(5) Treating panels with waterproofing agent (oiling):

\$2.75 per M sq. ft. (This addition may not be made for Plyform.)

(6) Treating panels with edge sealer: \$1.10 per M sq. ft. (This addition may not be made for Plyform.)

(7) Treating panels with resin sealer (one or two sides):

\$11.55 per M sq. ft.

(8) Bundling in paper packing:

\$0.40 per 1/16" in thickness per M sq. ft.

(9) Wire or twine bundling:

\$0.55 per M sq. ft. for small cut-to-size panels, 3 ply (containing less than 9 sq. ft. per panel) tied with either twine or wire. \$1.10 per M sq. ft. for small cut-to-size panels, 5 ply or heavier (containing less than 9 sq. ft. per panel) tied with either twine or wire.

(10) Segregating and/or lot-marking on car of two or more lots:

\$2.75 per lot for each lot over one.

(c) Deduction for unsanded stock. The following deduction from the maximum prices for moisture resistant type Douglas fir plywood stated in paragraph (a) of this section shall be made for unsanded stock in grades other than plysord and automobile and industrial plywood:

Deduct \$1.25 per M sq. ft. from the maximum price for the thickness to which the panel would regularly be sanded.

§ 1413.15 Appendix B: Maximum prices exterior type plywood—(a) Basic prices. The maximum prices f. o. b. mill, for direct-mill sales of exterior type Douglas fir plywood in widths of 12" to 48" in even 2" breaks and in lengths of 96" and shorter shall be as follows:

|                                     | Per M sq. ft. in carload lots, f. o. b. mill |                  |              |
|-------------------------------------|--|------------------|--------------|
|                                     | Sound 2 sides                                | Industrial grade | Sound 1 side |
| 1/2" sanded, 3/4" unsanded.....     | \$52.25                                      | \$50.05          | \$47.85      |
| 3/4" sanded, 1" unsanded.....       | 53.35  | 51.15            | 48.95        |
| 1" sanded, 3/4" unsanded.....       | 60.50  | 58.30            | 56.10        |
| 1 1/4" sanded, 1" unsanded.....     | 67.10  | 64.90            | 62.70        |
| 1 1/2" sanded, 1 1/4" unsanded..... | 89.65  | 86.90            | 84.15        |
| 1 3/4" sanded, 1 1/2" unsanded..... | 96.80  | 94.00            | 92.40        |
| 2" sanded, 1 3/4" unsanded.....     | 104.50                                       | 102.85           | 100.65       |
| 2 1/4" sanded, 2" unsanded.....     | 113.85                                       | 111.65           | 109.45       |
| 2 1/2" sanded, 2 1/4" unsanded..... | 123.20                                       | 121.00           | 118.25       |
| 2 3/4" sanded, 2 1/2" unsanded..... | 133.10                                       | 130.90           | 128.70       |
| 3" sanded, 2 3/4" unsanded.....     | 157.30                                       | 154.55           | 152.35       |
| 3 1/4" sanded, 3" unsanded.....     | 167.20                                       | 164.45           | 161.70       |
| 3 1/2" sanded, 3 1/4" unsanded..... | 176.55                                       | 174.35           | 172.15       |
| 3 3/4" sanded, 3 1/2" unsanded..... | 187.55                                       | 184.80           | 182.60       |
| 4" sanded, 3 3/4" unsanded.....     | 198.00                                       | 195.80           | 193.60       |
| 4 1/4" sanded, 4" unsanded.....     | 209.55                                       | 206.80           | 204.05       |

(b) Special extras. The following additions to the maximum prices established in paragraph (a) of this section may be made for the specified special extras:

(1) Wide widths: Add to maximum price for 48" widths:

|   | Per M sq. ft. |
|---|---------------|
| Over 48" to 60", inclusive, sanded or unsanded.....   | \$8.95        |
| Over 60" to 72", inclusive, sanded or unsanded.....   | 12.00         |
| Over 72" to 84", inclusive, unsanded only.....        | 17.95         |
| Over 84" to 96", inclusive, unsanded only.....        | 26.95         |
| Up to 96" wide where length is not more than 48"..... | 6.00          |

(2) Long lengths: Add to the maximum price for 96" lengths:

|  | Per M sq. ft. |
|--|---------------|
| Over 96" to 108", inclusive, sanded or unsanded..... | \$6.00        |

No. 72—5

|   | Per M sq. ft. |
|---|---------------|
| Over 108" to 120", inclusive, sanded or unsanded..... | \$8.95        |
| Over 120" to 132", inclusive, sanded or unsanded..... | 14.95         |
| Over 132" to 144", inclusive, sanded or unsanded..... | 17.95         |
| Over 144" to 156", inclusive, sanded or unsanded..... | 47.85         |
| Over 156" to 168", inclusive, sanded or unsanded..... | 59.85         |
| Over 168" to 180", inclusive, sanded or unsanded..... | 71.70         |
| Over 180" to 192", inclusive, sanded or unsanded..... | 83.70         |
| Over 192" to 216", inclusive, sanded or unsanded..... | 107.70        |
| Over 216" to 288", inclusive, sanded or unsanded..... | 119.70        |

(3) Treating panels with waterproofing agent (oiling):

\$3.05 per M sq. ft.

(4) Treating panels with resin sealer:

\$8.95 per M sq. ft.

(5) Bundling in paper packing:

\$0.45 per 1/16" in thickness per M sq. ft.

(6) Bundling: carton packed, steel strapped:

\$0.70 per 1/16" in thickness per M sq. ft.

(7) Sizes containing less than one square foot:

10 percent of the maximum price stated in paragraph (a) of this section.

§ 1413.13 a Effective date of amendments. \* \* \*

(c) Amendment No. 3 (§§ 1413.14, 1413.15, and 1413.13 a (c)) shall become effective April 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5637; Filed, April 9, 1943; 3:41 p. m.]

#### PART 1418—TERRITORIES AND POSSESSIONS [MPR 183, Amendment 22]

##### PUERTO RICO

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Section 1418.14 (q) Table XVI is amended to read as follows:

(q) Table XVI: Maximum prices for wheat flour. (1) The maximum prices for wheat flour sold or delivered in the Territory of Puerto Rico shall be:

|                               | Sales to wholesalers and industrial users (price per pound) | Sales at wholesale (price per pound) | Sales at retail (price per pound) |
|-------------------------------|---|--------------------------------------|-----------------------------------|
| All types of wheat flour..... | \$0.0425  | \$0.0470                             | \$0.06                            |

\*Copies may be obtained from the Office of Price Administration.  
18 F.R. 4122, 4351.

This amendment shall become effective April 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5638; Filed, April 9, 1943; 3:40 p. m.]

#### PART 1499—COMMODITIES AND SERVICES [Order 376 Under § 1499.3 (b) of GMPR]

##### GEORGE SALL METALS CO.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,\* and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, and § 1499.3 (b) of the General Maximum Price Regulation, It is hereby ordered:

§ 1499.1863 Maximum price at which The George Sall Metals Co. may sell and deliver zinc die cast notched bars. (a) The maximum price at which The George Sall Metals Co. of Philadelphia, Pennsylvania, may sell and deliver zinc die cast notched bars to any person shall be 6.80¢ per pound, f. o. b. point of shipment.

(b) As used in this order, the term "zinc die cast notched bars" shall mean notched bars of uniform alloy content suitable for galvanizing purposes and containing approximately 5% of aluminum, small percentages of copper, tin, lead, iron, and magnesium, and balance zinc.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall be effective as of March 29, 1943.

Issued this 9th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5630; Filed, April 9, 1943; 3:38 p. m.]

#### PART 1499—COMMODITIES AND SERVICES [Order 377 Under § 1499.3 (b) of GMPR]

##### MOHAWK CARPET MILLS, INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,\* It is ordered:

§ 1499.1864 Maximum prices for the sale of flat weave cotton fabric, SPK-3219, by Mohawk Carpet Mills, Inc. (a) Mohawk Carpet Mills, Inc., Amsterdam, New York, may sell and deliver flat weave cotton fabric SPK-3219, woven on needle type Axminster carpet looms, of the following description at a price no higher than that set forth below:

| Description                | Maximum price per square yard |        |
|----------------------------|-------------------------------|--------|
|                            | Dyed                          | Undyed |
| 31.42 ounces per yard..... | \$1.62                        | \$1.24 |

(b) The prices set forth in paragraph (a) of this section shall be decreased for irregulars or seconds by 5%, and for cuts under ten linear yards by 25%.

(c) All prices shall be f. o. b. Amsterdam, New York, subject to terms of two percent 10 days.

(d) This Order No. 377 may be revoked or amended by the Office of Price Administration at any time.

(e) This Order No. 377 shall become effective April 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5631; Filed, April 9, 1943;  
3:39 p. m.]

#### PART 1499—COMMODITIES AND SERVICES [MPR 165,<sup>1</sup> as Amended, Amendment 18] SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Section 1499.119 is amended to read as follows:

§ 1499.119 *Applicability.* The provisions of Maximum Price Regulation No. 165, as amended, shall be applicable to the continental United States, the District of Columbia, and the Territory of Hawaii, but shall not be applicable to the other territories and possessions of the United States, except that the base period, wherever it appears in this Maximum Price Regulation No. 165, shall be the month of April in the Territory of Hawaii, instead of the month of March. This Maximum Price Regulation No. 165, as amended, supersedes the applicable provisions of General Order No. 49.<sup>2</sup>

This amendment shall become effective April 9, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5629; Filed, April 9, 1943;  
3:40 p. m.]

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 7 F.R. 4734, 5028, 5567, 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324.

<sup>2</sup> 8 F.R. 3076.

#### PART 1305—ADMINISTRATION [Supp. Order 41]

##### APPLICATIONS FOR ADJUSTMENT BY SELLERS WHO HAVE BEEN FOUND TO HAVE VIOLATED THE ROBINSON-PATMAN ACT

A statement of the reasons involved in the issuance of this supplementary order, issued simultaneously herewith, has been filed with the Division of the Federal Register.\* It is hereby ordered:

§ 1305.55 *Applications for adjustment by sellers who have been found to have violated the Robinson-Patman Act.* (a) The Office of Price Administration may adjust the maximum price established for any seller by any price regulation in any case in which such seller shows:

- (1) That he has been found by the Federal Trade Commission, or any court of competent jurisdiction, to have discriminated in price between different purchasers of commodities in violation of the provisions of the Robinson-Patman Act (49 Stat. 1526) or of any state statute prohibiting price discrimination; and
- (2) That the elimination of such discrimination by lowering his price to the purchasers against whom he has been found to have discriminated would cause him substantial hardship; and
- (3) That the elimination of such discrimination by increasing his price to the purchasers in whose favor he has been found to have discriminated is prohibited by the applicable price regulation.

Applications for adjustment under this provision shall be filed with the Office of Price Administration, Washington, D. C., in accordance with the provisions of Revised Procedural Regulation No. 1.<sup>1</sup>

(b) "Price regulation," as used in this supplementary order means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, a maximum price regulation or temporary maximum price regulation issued by the Office of Price Administration, or any amendment or supplement thereto or order issued thereunder.

(c) This Supplementary Order No. 41 (§ 1305.55) shall become effective April 16, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5663; Filed, April 10, 1943;  
12:06 p. m.]

#### PART 1333—TIN [RPS 17,<sup>1</sup> Amendment 3]

##### FIG TIN

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith,

<sup>1</sup> 7 F.R. 8961; 8 F.R. 3313, 3533.

has been filed with the Division of the Federal Register.\*

Revised Price Schedule 17 is amended in the following respects:

1. Section 1333.10 (e) is amended to read as follows:

(e) *Differentials for special shapes other than anodes.* Whenever, at the request of the buyer, tin of the grades set forth above is melted and poured into molds and is sold in special shapes, other than anodes, weighing not more than seven pounds, an amount not exceeding 1¼ cents per pound may be added to the prices set forth in this Revised Price Schedule 17. No premium is allowed for special shapes, other than anodes, weighing more than seven pounds.

2. Section 1333.10 (f) is added to read as follows:

(f) *Maximum prices for tin anodes.* Whenever tin of the grades set forth above is sold in the form of anodes (1) the maximum price shall be the highest price charged by the seller for the same commodity on a delivery made during March, 1942, to a purchaser of the same class, and (2) if no such delivery was made during March, 1942, the maximum price shall be the highest offering price for delivery during March, 1942, of the same commodity to a purchaser of the same class. "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for commodities for sales to different purchasers or kinds of purchasers.

Any seller of tin anodes who is unable to determine his maximum price or prices under the preceding paragraph shall calculate a price at which he expects to sell his product and submit that price for approval of the Office of Price Administration, Washington, D. C. Such selling price shall be determined, whenever feasible, by the use of the method of calculating prices used by the seller during March, 1942, to determine the price of similar tin anodes for which he had prices in effect during that period.

When filing such a price with the Office of Price Administration, the seller shall set forth all discounts, allowances, and differentials for all classes of buyers, a description of the anode, a statement of facts differentiating such tin anode from the other tin anodes delivered or offered for delivery by the seller during March, 1942, and a statement setting forth the method used in calculating the price therefor.

Pending action by the Office of Price Administration on prices submitted for approval under this paragraph, any seller may sell and deliver or offer to sell and deliver, and any person may buy, offer to buy, or receive from the seller in the course of trade or business such tin anodes at the price submitted for approval. If, however, the Office of Price Administration determines that the price submitted is not in line with the

<sup>1</sup> 7 F.R. 1240, 2132, 2395, 4539, 8948.

general level of March, 1942 prices, the price submitted will be disapproved and the selling price shall be revised downward to the maximum price which may be approved, and any payment made in excess of the price so approved may be required to be refunded to the buyer within 15 days after the date of the written instrument informing the seller of such revision. Notice of such revision will be given to the seller by letter from the Price Executive of the Non-Ferrous Metals Branch of the Office of Price Administration. At the request of the seller, however, if made within 30 days from the date of such notice, notice of disapproval and the revised price will be incorporated in a formal order. In the absence of notice to the contrary from the Office of Price Administration within 30 days after the receipt of such a selling price by the Office of Price Administration, the price shall stand approved and shall be the maximum price applicable.

This amendment shall become effective April 16, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5664; Filed, April 10, 1943;  
12:06 p. m.]

#### PART 1340—FUEL

[RPS 88, Amendment 90]

##### PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Section 1340.159 (c) (1) (xv) *Michigan*. (a) is added to read as follows:

(xv) *Michigan*. (a) The maximum price at the receiving tank for crude petroleum produced in the South Bangor Pool, Bangor Township, Van Buren County, Michigan, shall be \$1.27 per barrel.

This amendment shall become effective April 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5661; Filed, April 10, 1943;  
12:07 p. m.]

#### Part 1340—Fuel

[RPS 88, Amendment 91]

##### PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amend-

ment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

The second undesignated paragraph of § 1340.159 Appendix A is amended to read as set forth below:

If, on his last sale of petroleum or of a petroleum product to a purchaser of a particular class during the 60 days prior to October 15, 1941, a seller granted a discount or discounts and the discount or discounts were stated as such in the contract of sale or on the invoice to the purchaser, discounts no less favorable shall be granted by the seller to all purchasers of the same class in connection with sales of petroleum or the same petroleum product. Such discounts shall be deducted from all the maximum prices established by this § 1340.159 except those established by §§ 1340.159 (b) (2) and 1340.159 (c). Deliveries pursuant to contracts of sale entered into more than 60 days prior to October 15, 1941 shall not be considered as sales for the purpose of determining discounts hereunder.

This amendment shall become effective April 16, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5662; Filed, April 10, 1943;  
12:07 p. m.]

#### PART 1499—COMMODITIES AND SERVICES

[Order 378 Under § 1499.3 (b) of GMPR]

##### WILSON RADIO DISTRIBUTING CO.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, it is ordered:

§ 1499.1865 Approval of maximum prices for sales of six new model radios assembled by Wilson Radio Distributing Company. (a) This Order No. 378 sets maximum prices for sales of six new model radios assembled by Wilson Radio Distributing Company, 1116-18 Central Avenue, Charleston, West Virginia. (1) For sales by the assembler, the maximum prices are those set forth below, exclusive of federal excise tax, subject to discounts, allowances and terms no less favorable than those customarily granted by it.

| Model:                     | Price   |
|----------------------------|---------|
| 50-P Console.....          | \$49.20 |
| 49 BU and 49B Console..... | 55.35   |
| 52S Console.....           | 48.15   |
| 4802-S1 Armchair.....      | 48.30   |
| 47-D1-A Phono radio.....   | 72.30   |
| 42-D1-A Armchair.....      | 53.25   |

(2) For sales at retail, the maximum prices are those set forth below, exclusive of federal excise tax:

| Model:                     | Price   |
|----------------------------|---------|
| 50-P Console.....          | \$82.00 |
| 49 BU and 49B Console..... | 92.25   |
| 52S Console.....           | 80.25   |

\* 8 F.R. 3718, 3795, 3845, 4130, 4131, 8841.

#### Model—Continued.

|                          |         |
|--------------------------|---------|
| 4802-S1 Armchair.....    | \$80.50 |
| 47-D1-A Phono radio..... | 120.50  |
| 42-D1-A Armchair.....    | 88.75   |

(b) To every radio to be shipped to a purchaser for resale, the assembler shall attach a tag or label which plainly states the retail ceiling price.

(c) The assembler shall notify every person who buys from it of the maximum prices set by this Order No. 378 for resales by the purchaser. This notice shall be given at or prior to the first invoice to each purchaser and may be given in any convenient form.

(d) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(e) This Order No. 378 may be revoked or amended by the Price Administrator at any time.

This Order No. 378 shall become effective on the 12th day of April 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5666; Filed, April 10, 1943;  
12:06 p. m.]

#### PART 1499—COMMODITIES AND SERVICES

[Rev. Supp. Reg. 11 to GMPR, Amendment 17]

##### EXCEPTIONS FOR CERTAIN SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\* Paragraph (a) of § 1499.46 is amended to read as set forth below:

§ 1499.46 Exceptions for certain services. (a) The provisions of the General Maximum Price Regulation, other than § 1499.11 (a), shall not apply to the following services during the period specified:

(1) Until September 1, 1942, to the transportation of property in tank trucks by carriers other than common carriers within the exemption conferred by section 302 (c) (2) of the Emergency Price Control Act of 1942.

(2) From April 10, 1943, to June 15, 1943, inclusive, to the storage of property and services incidental thereto (other than cold storage and other than tank storage of liquid commodities) for the War Department.

This amendment shall become effective April 10, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 10th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5665; Filed, April 10, 1943;  
12:06 p. m.]

\* Copies may be obtained from the Office of Price Administration.

## PART 1305—ADMINISTRATION

[Gen. RO 5, Amendment 11]

## FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

General Ration Order No. 5 is amended in the following respect:

1. Section 5.3 (b) is amended to read as follows:

(b) An institutional user's registration on OPA Form R-1307 is treated as an application for allotments for the first allotment period. (However; an institutional user who has registered under this order may apply for an allotment of foods covered by Ration Order No. 16 for the first allotment period by making a written request therefor to the board at any time between March 29, 1943 and April 7, 1943.) Application for allotments for the second allotment period shall be made to the board in writing, but need not be made on any particular form. All applications for subsequent allotment periods must be made to the board on OPA Form R-1309. Application for the second and subsequent allotment periods may be made in person or by mail and must be filed not more than fifteen (15) days before, nor more than five (5) days after, the beginning of the period.

This amendment shall become effective on April 16, 1943.

NOTE: The reporting provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. 1, Supp. Dir. 1-E, 1-M, and 1-R, 7 F.R. 562, 2965, 7234, 9684, respectively; Food Dir. 3, 5, 6, 7, 8 F.R. 2005, 2251, 3471, respectively)

Issued this 10th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5669; Filed, April 10, 1943;  
12:37 p. m.]

## PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 11, Amendment 59]

## FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 8 F.R. 2195, 2348, 2598, 2666, 2667, 3178, 3216, 3255, 3616, 3851, 4325, 4131.

<sup>2</sup> 7 F. R. 8480, 8708, 8809, 8897, 9316, 9396, 9492, 9427, 9430, 9621, 9478, 10153, 10081, 10379, 10530, 10531, 10780, 10707, 11118, 11071, 1466, 11005; 8 F.R. 165, 237, 437, 369, 374, 535, 439, 444, 607, 608, 977, 1204, 1235, 1282, 1681, 1636, 1859, 2194, 2432, 2598, 2781, 2730, 2887, 2942, 2993, 2887, 2942, 2993, 3106, 3521, 3628, 3733, 8848, 3948, 4255, 4137.

Ration Order No. 11 is amended in the following respects:

1. Section 1394.5653 (f) (4) is amended by substituting for the sentence, "In 'Area A' such application shall be made on March 30 or 31, 1943, and in 'Area B' on April 27 or 28, 1943," the two sentences, "In 'Area A' such application shall be made on the dates, not later than May 1, 1943, fixed for such purpose by the Regional Administrators for Regions VII and VIII for all or any parts of such 'Area A' within their respective regions. In 'Area B' such application shall be made on April 27 or 28, 1943."

2. Section 1394.5707 (b) (3) is amended by substituting for the sentence, "In 'Area A' such surrender shall be made on or before April 5, 1943, and in 'Area B' on or before May 3, 1943," the two sentences, "In 'Area A' such surrender shall be made on or before a date, not later than May 15, 1943, fixed for such purpose by the Regional Administrators for Regions VII and VIII for all or any parts of such 'Area A' within their respective regions. In 'Area B' such surrender shall be made on or before May 3, 1943."

3. Section 1394.5707 (b) (4) is amended by substituting for the sentence, "In 'Area A' such application shall be made on April 8, 1943, and in 'Area B' on May 6, 1943," the two sentences "In 'Area A' such application shall be made on the dates, not later than May 15, 1943, fixed for such purpose by the Regional Administrators for Regions VII and VIII for all or any parts of such 'Area A' within their respective regions. In 'Area B' such application shall be made on May 6, 1943."

4. Section 1394.5707 (b) (7) is amended by substituting for the sentence, "In 'Area A' such surrender shall be made on or before April 12, 1943, and in 'Area B' on or before May 10, 1943," the two sentences, "In 'Area A' such surrender shall be made on or before a date, not later than May 15, 1943, fixed for such purpose by the Regional Administrators for Regions VII and VIII for all or any parts of such 'Area A' within their respective regions. In 'Area B' such surrender shall be made on or before May 10, 1943."

5. Section 1394.5707 (b) (8) is amended by substituting for the sentence, "In 'Area A' such application shall be made on April 15, 1943, and in 'Area B' on May 13, 1943," the two sentences, "In 'Area A' such application shall be made on the dates, not later than May 15, 1943, fixed for such purpose by the Regional Administrators for Regions VII and VIII for all or any parts of such 'Area A' within their respective regions. In 'Area B' such application shall be made on May 13, 1943."

This amendment shall become effective on April 10, 1943.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, and 507, 77th Cong.; W.P.B. Dir. No. 1, 7 F.R. 562; Supp. Dir. No. 1-0, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 10th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5670; Filed, April 10, 1943;  
12:37 p. m.]

## PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13, Amendment 11]

## PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

Section 8.2 (c) of Ration Order 13 is amended to read as follows:

(c) *Retailers.* Every "retailer" whose gross sales of all foods during the month of December 1942, or during any single calendar month since December 1942, were more than \$2,500.00, and every retailer who has more than one "retail establishment", must open at least one ration bank account for all his retail establishments. If he has more than one retail establishment, he may, if he wishes, open a separate account for each or for any group of them. Also, any retailer who receives stamps and "certificates" from, and makes transfers to, consumers by mail must have a ration bank account. No other retailer may open an account. Any retailer who has opened a ration bank account to which he is not entitled under this Section, must close out that account on or before July 3, 1943.

This amendment shall become effective April 16, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 10th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5672; Filed, April 10, 1943;  
12:37 p. m.]

## PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16, Amendment 7]

## MEAT, FATS, FISH AND CHEESES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Section 17.5 is amended to read as follows:

SEC. 17.5 *District office may extend time for registration and reports—*  
(a) The district office (or State office) for the place where a person is registered, or is required to be registered, may, for good cause, give him additional time to file any registration or report which this order requires him to file. Any person who needs more time for filing a registration or report may apply, in writing, to the district office (or State office). He must explain, in his application, why he needs more time. The district office (or State office) may im-

<sup>1</sup> 8 F.R. 1840, 2288, 2677, 2681, 2684, 2943, 8179, 3949.

<sup>2</sup> 8 F.R. 3591, 3715, 3949, 4137.

pose any conditions it finds proper, when it grants such an extension of time.

This amendment shall become effective April 16, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. 1, 7 F.R. 562, and Supp. Dir. 1-M, 7 F.R. 7234; Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005, Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 10th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5671; Filed, April 10, 1943; 12:37 p. m.]

#### PART 1499—COMMODITIES AND SERVICES [MPR 204<sup>1</sup> Amendment 2]

##### IDLE OR FROZEN MATERIALS SOLD UNDER PRIORITIES REGULATION 13

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 204 is amended in the following respects:

1. The present text of § 1499.506 is designated as paragraph (a).

2. A new paragraph (b) is added to § 1499.506 to read as follows:

(b) Nothing in this regulation or in any other price regulation unless hereafter specifically provided in such price regulation shall apply to sales or deliveries of any commodity by one Rural Electrification Administration cooperative to another Rural Electrification Administration cooperative with the approval of the Rural Electrification Administration: *Provided*, That the commodity sold or delivered is of a kind or in a form not normally sold by the cooperative in the ordinary course of its business.

This amendment shall become effective as of January 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5673; Filed, April 10, 1943; 12:37 p. m.]

#### PART 1340—FUEL

[MPR 120, Amendment 52]

##### BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

##### Correction

On page 4718 of the issue for Saturday, April 10, 1943, the heading in brackets should read as above, "MPR 120, Amendment 52".

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup>7 F.R. 6479, 7366, 8948.

#### PART 1499—COMMODITIES AND SERVICES

[Order 358 Under § 1499.3 (b) of GMPR]

LIBBY, M'NEILL & LIBBY

##### Correction

In the seventh line of paragraph (d) of the document appearing on page 4257 of the issue for Saturday, April 3, 1943, the word "retails" should read "retailers".

#### PART 1499—COMMODITIES AND SERVICES

[Order 361 Under § 1499.3 (b) of GMPR]

KNICKERBOCKER MILLS COMPANY

##### Correction

In the document appearing on page 4259 of the issue for Saturday, April 3, 1943, the paragraph beginning, "The above barrel prices shall be subject to the following packaging differentials for smaller packages:" should be designated paragraph (b).

#### PART 1499—COMMODITIES AND SERVICES

[Order 16 Under § 1499.18 (c), as Amended, of GMPR]

HICKORY PICKER STICK BLANKS

##### Correction

In paragraph (b) of the document appearing on page 4190 of the issue for Friday, April 2, 1943, the maximum price for all other sizes should be "\$200.00 per 1,000 bd. ft. (figured on dry size basis)."

[Order 40 Under SR 15 to GMPR]

HEWITT H. BOOTH

##### Correction

In the last line of the first paragraph of the document appearing on page 4259 of the issue for Saturday, April 3, 1943, the docket number should read "GF3-2912".

#### PART 1305—ADMINISTRATION

[Gen. RO 5,<sup>1</sup> Amendment 12]

##### FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

General Ration Order No. 5 is amended in the following respects:

Section 12.2 (a) is amended by adding to the next to the last sentence in the paragraph the phrase "unless the board has been authorized by the Washington Office to act on the petition."

This amendment<sup>2</sup> shall become effective April 10, 1943.

<sup>1</sup>8 F.R. 2195, 2348, 2598, 2666, 2667, 3178, 3216, 3255, 3616, 3851, 4131, 4325.

<sup>2</sup>The reporting provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. 1, Supp. Dir. 1-E, 1-M, and 1-R, 7 F.R. 562, 2965, 7234, 9684, respectively, Food Dir. 5, 6, 7, 8 F.R. 2251, 3471, 3471, respectively)

Issued this 10th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5680; Filed, April 10, 1943; 4:47 p. m.]

#### PART 1305—ADMINISTRATION

[Supplementary Order 9,<sup>1</sup> Amendment 3]

##### COMMODITIES OR SERVICES UNDER GOVERNMENT CONTRACTS OR SUBCONTRACTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

1. Section 1305.12 (a) (1) is added to read as follows:

(1) No application for adjustment filed after April 9, 1943, under Procedural Regulation No. 6 with respect to commodities or services covered by Maximum Price Regulation No. 136, as amended, will be granted.

2. Section 1305.12 (b) is amended to read as follows:

(b) "Price regulation", as used in this supplementary order, means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, a maximum price regulation or temporary maximum price regulation heretofore or hereafter issued by the Office of Price Administration, or any amendment or supplement thereto or order theretofore or hereafter issued thereunder, but does not include any of the following price regulations: Nos. 2, 3, 4, 8, 12, 20, 30, 47, 55, 70, 87, 90, 115, 123, 171.

This amendment shall become effective April 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5685; Filed, April 10, 1943; 4:49 p. m.]

#### PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[Rev. MPR 148,<sup>2</sup> Amendment 3]

##### DRESSED HOGS AND WHOLESALE PORK CUTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

<sup>1</sup>7 F.R. 5444, 9323, 8 F.R. 4510.

<sup>2</sup>7 F.R. 8609, 9005, 8948; 8 F.R. 544, 2922, 3367.

Section 1364.23 is amended to read as follows:

§ 1364.23 *Adjustable pricing and transportation adjustments*—(a) *Adjustable pricing*. Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

(b) *Adjustment for transportation to critical areas*. Upon a finding that a critical shortage of meat has occurred in a specific area because of the unavailability of customary sources of supply and because the established maximum prices do not contain a sufficient allowance to cover the cost of transporting meat to that area from other sources of supply, the Administrator may by order designate such area as a critical area for such period as he may prescribe. Subject to such conditions as may be prescribed in the order of the Administrator, the Regional Administrator for the area or any District Manager designated by him, may in writing authorize named sellers to charge and receive, for beef and veal carcasses and wholesale cuts, and processed products sold to buyers in that area, the added cost of transportation in addition to the applicable maximum price.

This amendment shall become effective April 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5682; Filed, April 10, 1943; 4:48 p. m.]

**PART 1364—FRESH, CURED AND CANNED MEAT AND FISH**

[Rev. MPR 169,<sup>1</sup> Amendment 5]

**BEEF AND VEAL CARCASSES AND WHOLESALE CUTS**

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Section 1364.405 is amended to read as follows:

§ 1364.405 *Adjustable pricing and transportation adjustments*—(a) *Adjustable pricing*. Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consid-

eration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

(b) *Adjustment for transportation to critical areas*. Upon a finding that a critical shortage of meat has occurred in a specific area because of the unavailability of customary sources of supply and because the established maximum prices do not contain a sufficient allowance to cover the cost of transporting meat to that area from other sources of supply, the Administrator may by order designate such area as a critical area for such period as he may prescribe. Subject to such conditions as may be prescribed in the order of the Administrator, the Regional Administrator for the area or any District Manager designated by him, may in writing authorize named sellers to charge and receive, for beef and veal carcasses and wholesale cuts, and processed products sold to buyers in that area, the added cost of transportation in addition to the applicable maximum price.

This amendment shall become effective April 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5683; Filed, April 10, 1943; 4:48 p. m.]

**PART 1364—FRESH, CURED AND CANNED MEAT AND FISH**

[Rev. MPR 239,<sup>1</sup> Amendment 2]

**LAMB AND MUTTON CARCASSES AND CUTS AT WHOLESALE AND RETAIL**

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Section 1364.155 is amended to read as follows:

§ 1364.155 *Adjustable pricing and transportation adjustments*—(a) *Adjustable pricing*. Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

(b) *Adjustment for transportation to critical areas*. Upon a finding that a critical shortage of meat has occurred in a specific area because of the unavailability of customary sources of supply and because the established maximum prices

do not contain a sufficient allowance to cover the cost of transporting meat to that area from other sources of supply, the Administrator may by order designate such area as a critical area for such period as he may prescribe. Subject to such conditions as may be prescribed in the order of the Administrator, the Regional Administrator for the area, or any District Manager designated by him, may in writing authorize named sellers to charge and receive for lamb and mutton carcasses and wholesale and hotel supply cuts sold to buyers in that area the added cost of transportation in addition to the applicable maximum price.

This amendment shall become effective April 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5679; Filed, April 10, 1943; 4:47 p. m.]

**PART 1364—FRESH, CURED AND CANNED MEAT AND FISH**

[Rev. MPR 239,<sup>1</sup> Amendment 3]

**LAMB AND MUTTON CARCASSES AND CUTS AT WHOLESALE AND RETAIL**

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Revised Maximum Price Regulation 239 is amended in the following respects:

1. Section 1364.153 (b) is amended to read as follows:

(b) By hotels, restaurants, soda fountains, bars, cafes, caterers, or other similar eating establishments, of meals or servings of food portions, customarily served separately or as part of a meal.

2. Section 1364.159 is amended to read as follows:

§ 1364.159 *Records and reports*. The reporting and recording provisions of this regulation are approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(a) Every person subject to this revised regulation shall, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942, submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in §§ 1364.165 and 1364.173 of this revised regulation as the Office of Price Administration may from time to time require.

3. Section 1364.167 is amended to read as follows:

§ 1364.167 *Duty to maintain and identify grades and to determine maximum prices and to invoice accordingly*. No person shall sell, offer for sale, ship, deliver or break and no person in the

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 8 F.R. 5097.

<sup>1</sup> 7 F.R. 10688; 8 F.R. 3589.

<sup>1</sup> 7 F.R. 10688, 8 F.R. 3589.

course of trade or business shall buy or receive any lamb or mutton carcass or cut unless it has been identified by grade and marked in accordance with the provisions of this section; and no person shall sell, offer for sale, or deliver and no person in the course of trade or business shall buy or receive any lamb or mutton carcass or cut at a price higher than that established for the grade in which such carcass or cut has been classified and marked.

(a) Except as otherwise provided in paragraphs (b) and (c) of this section, it shall be the duty of each person to have his lambs, including yearlings, and all sheep slaughtered by or for him, or sold by him, classified by an official grader of the United States Department of Agriculture in accordance with the "Rules and Regulations of the Secretary of Agriculture Governing the Grading and Certification of Meats, etc.", as modified to the extent set forth in Appendix B of § 1364.527 of Revised Maximum Price Regulation 169,<sup>2</sup> which is by this reference incorporated herein. Each carcass shall be classified into one of the grades set out in Column I below and marked with harmless marking fluid with the grade designation set out in Column II, if classified by an official grader, or the grade letter set out in Column III, such grade letter to be at least 1/2 inch in height and width, if classified by anyone other than an official grader pursuant to paragraph (b) of this section. Where the grade designation set out in Column II is stamped on the carcass, there shall also be stamped the word "yearling" if the carcass being graded is that of a yearling, and the word "mutton" if that of a mature sheep. The carcass shall be marked in such a manner as to result in each wholesale cut, sold bone-in, being identified by grade.

| Column I              | Column II       | Column III |
|-----------------------|-----------------|------------|
| Lamb:                 |                 |            |
| Choice or better..... | Choice.....     | AA         |
| Good.....             | Good.....       | A          |
| Commercial.....       | Commercial..... | B          |
| Utility.....          | Utility.....    | C          |
| Cull.....             | Cull.....       | C          |
| Yearling:             |                 |            |
| Choice or better..... | Choice.....     | A          |
| Good.....             | Good.....       | B          |
| Commercial.....       | Commercial..... | C          |
| Utility.....          | Utility.....    | C          |
| Cull.....             | Cull.....       | C          |
| Mutton:               |                 |            |
| Choice or better..... | Choice.....     | S          |
| Good.....             | Good.....       | S          |
| Commercial.....       | Commercial..... | M          |
| Utility.....          | Utility.....    | R          |
| Cull.....             | Cull.....       | R          |

The "Specifications for Official United States Standards for Grades of Lamb Carcasses, Yearling Mutton Carcasses" set forth in Appendix J hereof, and incorporated herein as § 1364.185, determine the proper classification of each carcass, except that no mutton buck may be graded higher than commercial.

The harmless marking fluid used in marking the carcass shall conform to the formula for violet branding fluid approved by the United States Department

of Agriculture, Bureau of Animal Industry, set forth in Appendix I hereof, and incorporated herein as § 1364.184.

(b) In any instance where any person is unable to procure the services of an official grader within 24 hours after he has made an application for grading, pursuant to section 3 of Regulation No. 4 (Grading Service) incorporated by reference, as modified, in paragraph (a) hereof, such person shall not be required to have the lamb or sheep slaughtered by, or for him, or sold by him, graded by an official grader of the United States Department of Agriculture for so long a period as the United States Department of Agriculture certifies in writing that it is unable to provide him with the services of an official grader. During such period, such lamb or mutton carcasses shall be graded by such person in accordance with the requirements of paragraph (a) of this section.

(c) If the slaughterer is a farm slaughterer or if he is primarily the resident operator of a farm engaging only casually, and not as a business, in slaughtering sheep or lamb as a service for others, he shall not be required to have the lamb or sheep slaughtered by him graded by an official grader of the United States Department of Agriculture. Such lamb or mutton as is sold by such slaughterer, or is slaughtered by him as a service for sale by others, shall be graded by him in accordance with the requirements of paragraph (a) of this section.

(d) Whenever any person having a financial interest in any lamb or mutton carcass which has been graded and grade stamped by an official grader pursuant to paragraph (a) hereof or otherwise, is dissatisfied with the determination of such official grader, such person may appeal the grading and grade stamping by making an application for appeal in the manner provided in Regulation No. 5 (Appeal grading) incorporated by reference, as modified, in paragraph (a) hereof, and shall thereafter give immediate notice in writing to the Office of Price Administration at Washington, D. C., of such appeal.

(e) Use of other grading and branding systems. Any seller may use a private grading and branding system in addition to that required by the foregoing paragraphs of this section: *Provided*, That he shall identify his private grading and branding stamp in such manner as to distinguish it from the grade stamp required by paragraphs (a), (b) and (c) of this section.

(f) Each invoice, sales slip or other memorandum of sale covering sales of lamb or mutton carcasses, wholesale cuts or hotel supply cuts, shall show the grade and age classification of each lamb, or mutton carcass, or cut sold.

4. Section 1364.170 (b) (1) is amended by inserting the words "or wholesale cuts" between the word "carcasses" and the word "in".

5. Section 1364.170 (b) (2) is amended by inserting the words "or wholesale cuts" between the word "carcasses" and the word "in".

6. Section 1364.170 (c) (3) is amended to read as follows:

(3) For packing lamb or mutton cuts in closed or sealed boxes or barrels delivered to the buyer's place of business and to be retained by the buyer on sales to a seller at retail, purveyor of meals, commercial user (not wholesaler, branch house or hotel supply house), or governmental agency other than a war procurement agency, there may be added \$0.25 per cwt.: *Provided*, That this charge for packaging or boxing may not be made in addition to the charge for wrapping permitted by paragraphs (b) (1) and (b) (2) of this section.

7. Section 1364.170 (i) is added to read as follows:

(i) *Peddler-truck selling addition.* Where the seller makes a peddler-truck sale involving delivery of not more than 50 pounds of lamb and/or mutton in a total delivery of not more than 150 pounds of meat and meat products in any one day from such peddler-truck to any buyer's store door, he may add \$1.25 per cwt. in lieu of the additions permitted under paragraph (h) of this section for delivery and/or transportation.

8. Section 1364.171 (c) is added to read as follows:

(c) *For lamb and mutton carcasses and cuts not graded by an official grader.* For all lamb or mutton carcasses or wholesale cuts sold bone-in which do not bear the grade mark and identification of an official grader of the United States Department of Agriculture at the time of sale, the seller shall deduct 12 1/2 cents per cwt.

9. Section 1364.172 (a) is amended to read as follows:

(a) The price limitations set forth in this Revised Maximum Price Regulation 239 shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to lamb or mutton or in conjunction with any other commodity or services, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying agreement, combination sale or other trade understanding: *Provided*, That a payment by a buyer to a seller for any services performed by a buyer to a seller for icing services performed by a seller after April 14, 1943, and before delivery of lamb or mutton to a railroad whose charges are paid directly to such railroad by the buyer shall not be construed as an evasion of such price limitations if the charge for such icing services is no higher than the cost actually incurred by the seller in performing such services and no higher than the charge which could lawfully have been made by the railroad if such services had been performed by the railroad.

10. Section 1364.173 (b) is amended by deleting the words "each calendar month commencing with January" and inserting instead the words "January, February and March 1943".

11. Section 1364.174 (a) (2) is amended to read as follows:

(2) A "wholesaler" means a person other than a hotel supply house or peddler-truck seller who buys lamb or mutton for resale other than at retail.

<sup>2</sup> 8 F.R. 5097.

12. Section 1364.174 (a) (12) is added to read as follows:

(12) "Peddler-truck sale" means a sale of lamb and/or mutton from a truck by a person who purchases meat at or below the ceiling price from a seller with whom he has no other financial affiliations or relationship, who takes delivery at the seller's place of business, and who does not sell or deal in meat in any manner other than sales out of stock carried in a truck, owned and driven by him: *Provided*, That the first record of the transaction is made by the salesman concurrently with the delivery of the product sold.

13. Section 1364.174 (a) (13) is added to read as follows:

(13) "Farm slaughterer" means a person chiefly engaged in producing agricultural products as the resident operator of a farm who did not deliver meat in 1941 from the slaughter of livestock with a live weight of more than 10,000 pounds and whose current slaughter is not in excess of that permitted such slaughterers under Food Distribution Order No. 27<sup>4</sup> or any superseding order.

This amendment shall become effective April 14, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5681; Filed, April 10, 1943; 4:48 p. m.]

#### PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136,<sup>1</sup> Amendment 80]

##### MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Section 1390.25a (e) is amended to read as follows:

(e) No application for adjustment filed after April 9, 1943, under Procedural Regulation No. 6 with respect to commodities and services covered by this regulation will be granted.

This amendment shall become effective April 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5684; Filed, April 10, 1943; 4:48 p. m.]

<sup>4</sup> 8 F.R. 2785.

<sup>1</sup> 7 F.R. 3198, 3370, 3447, 3723, 4176, 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6973, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 7945, 7944, 8198, 8362, 8433, 8479, 8520, 8652, 8707, 8897, 9001, 8948, 9040, 9041, 9042, 9053, 9054, 9729, 9736, 9822, 9823, 9899, 10109, 10230, 10556; 8 F.R. 155, 869, 534, 1058, 1382, 2270, 3314, 3370, 3848, 4341, 4476, 4515, 4516, 4524.

#### PART 1418—TERRITORIES AND POSSESSIONS

[MPR 183,<sup>1</sup> Amendment 23]

##### COFFEE RATIONING IN PUERTO RICO

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 183 is amended in the following respects:

1. Section 1418.1 (a) (18) is added to read as follows:

(18) On and after April 10, 1943, regardless of any contract, agreement, or other obligation, no person shall sell or deliver, and no person in the course of trade or business shall buy or receive coffee in the Territory of Puerto Rico at prices higher than the maximum prices set forth in § 1418.14 (ee), Table XXVI; and no person shall offer, solicit, or attempt to do any of the foregoing.

2. Section 1418.11 (a), (28), (29), (30), (31), and (32) are added to read as follows:

(28) "Coffee" means dried parchment coffee, green coffee, roasted coffee and roasted-ground coffee.

(29) "Dried parchment coffee" means coffee from which the pulp has been removed, which has been fermented and washed but which still contains the endocarp or vellum covering the bean.

(30) "Green coffee" means dried parchment coffee from which the endocarp or vellum covering the bean has been removed.

(31) "Roasted coffee" means green coffee which has been subject to the process commonly known as terrefaction, consisting in exposing the beans in a mechanical device to artificially generated heat.

(32) "Roaster" means any person who is engaged in the business of roasting green coffee.

3. Section 1418.14 (ee), Table XXVI is added to read as follows:

(ee) Table XXVI: Maximum prices for coffee. (1) The maximum price for coffee sold or delivered in the Territory of Puerto Rico shall be:

DRIED PARCHMENT COFFEE: AT THE RATE OF \$21.50 PER 125 LBS.

[In common trade terms the maximum "discount" is 20% in converting dried parchment coffee to green coffee]

|   | To whole-<br>salers<br>and<br>roasters<br>(Per 100<br>lbs.) | At whole-<br>sale<br>(Per<br>100 lbs.) | At re-<br>tail<br>(Rate<br>per<br>lbs.) |
|---|---|--|---|
| Green coffee.....                       | \$23.00   | \$24.75                                | \$0.27                                  |
| Roasted coffee:                         |   |  |   |
| In containers in excess of<br>1 lb..... |   | 33.00                                  | 0.38                                    |
| In 1 lb. containers.....                |   | 35.00                                  | 0.39                                    |
| In 1/2 lb. containers.....              |   | 35.00                                  | 0.40                                    |
| In 1/4 lb. containers.....              |   | 35.00                                  | 0.40                                    |
| In 2 oz. containers.....                |   | 35.00                                  | 0.40                                    |

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 8 F.R. 4122, 4351.

(2) The allowances, discounts, or other price differentials customarily granted on sales of coffee shall not be changed or altered unless such change results in a lower price than that specified herein. The maximum prices established herein are gross prices and shall not be increased by charges for transportation, commissions, containers or in any other manner.

This amendment shall become effective April 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5678; Filed, April 10, 1943; 4:49 p. m.]

#### PART 1351—FOOD AND FOOD PRODUCTS

[Rev. MPR 150]

##### FINISHED RICE AND RICE MILLING BY-PRODUCTS

Maximum Price Regulation 150 is amended to read as follows:

*Preamble:* In the judgment of the Price Administrator, it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, issued by the President on October 3, 1942, that maximum prices for the sale of finished rice and rice milling by-products be established by a revised maximum price regulation to replace Maximum Price Regulation 150<sup>1</sup> as amended, issued by the Office of Price Administration.

In the judgment of the Price Administrator, the maximum prices established by this regulation are generally fair and equitable, and will effectuate the purposes of the said act, as amended, and of the said executive order. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\* So far as practicable the Price Administrator has advised and consulted with members of the industry which will be affected by this regulation.

§ 1351.451 Maximum prices for finished rice and rice milling by-products. Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Revised Maximum Price Regulation No. 150 (Finished rice and rice milling by-products), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1351.451 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

REVISED MAXIMUM PRICE REGULATION NO. 150—FINISHED RICE AND RICE MILLING BY-PRODUCTS

##### CONTENTS

##### ARTICLE I—PROHIBITIONS AND SCOPE OF REGULATION

##### Sec.

1. Commodities and persons subject to this regulation.

<sup>1</sup> 7 F.R. 3856, 3901, 6602, 7738, 8948; 8 F.R. 1457.

- Sec.
2. Geographical applicability.
  3. More than maximum prices prohibited.
  4. Less than maximum prices permitted.
  5. Definitions.
  6. Maximum prices for the sale or delivery of finished rice.
  7. Contents of invoice covering the sale or delivery of finished rice.
  8. Maximum prices for the sale or delivery of rice milling by-products.
  9. Maximum prices for export sales.

#### ARTICLE II—MISCELLANEOUS

10. Records and reports.
11. Enforcement.
12. Protests and petitions.

#### ARTICLE I—PROHIBITIONS AND SCOPE OF REGULATION

**SECTION 1. Commodities and persons subject to this regulation.** (a) This regulation shall govern all sales and deliveries of finished rice except sales and deliveries at wholesale which shall be and remain subject to Maximum Price Regulation 237, as amended, and sales and deliveries at retail which shall be and remain subject to Maximum Price Regulation 238, as amended.

(b) This regulation shall also govern all sales and deliveries of rice milling by-products as specified herein.

**SEC. 2. Geographical applicability.** This regulation shall be applicable within the District of Columbia and the several states of the United States.

**SEC. 3. More than maximum prices prohibited.** (a) Regardless of any contract or other commitment, no person subject to this regulation shall sell or deliver any finished rice or rice milling by-product at a price higher than the maximum price set forth herein; nor shall any buyer pay any such person more than said maximum price; nor shall any person agree, offer, solicit or attempt to do any of the foregoing.

(b) The maximum prices set forth herein shall not be increased or evaded through:

(1) The addition of any additional processing, packaging, transportation or storage charges except as expressly permitted herein;

(2) The addition of any brokerage, commissions or other recompense paid to any person as agent or broker of either seller or buyer in the consummation of any transaction subject hereto;

(3) The addition of interest or any other charges for any extension of credit directly or indirectly connected with any transaction subject hereto;

(4) The addition of any charge for any other service of any nature directly or indirectly connected with any transaction subject hereto;

(5) The conferring upon the seller of anything of value, whether through a tying agreement whereby commodities subject hereto are sold together with the transfer of other things of value, or through barter or exchange of commodities subject hereto for other things of value, or in connection with any transaction subject hereto where some mone-

tary consideration passes, or otherwise, if the then market value of the things of value conferred plus, if any, the monetary consideration of the transaction exceeds the maximum price set forth herein; or

(6) Any other evasive means or methods, direct or indirect, of whatsoever nature.

**SEC. 4. Less than maximum prices permitted.** Lower prices or values than the maximum prices set forth herein may be offered, demanded, charged, paid or received.

**SEC. 5. Definitions.** (a) When used in this regulation:

(1) "Person" includes any individual, corporation, partnership, association or other organized group of persons or the legal successor or representative of any of the foregoing and also includes the United States or any other government and any political subdivisions or agency of any of the foregoing.

(2) "Primary distributor" means a person who receives delivery of finished rice at a distributing center and sells the same in l. c. l. quantities or quantities of less than 20,000 pounds from such point either to wholesalers or for delivery to distributing warehouses of retailers. A primary distributor may also be a miller, mixer or other handler of finished rice. A distributing center of a primary distributor is a place of business, whether or not a warehouse, located outside any city and the recognized switching limits thereof if such primary distributor owns or operates a rice mill therein. A distributing warehouse of a retailer is a warehouse used primarily for the storage of supplies for delivery to his retail stores.

(2a) "Processed" means the milling, mixing and preparation other than putting in containers of finished rice for sale.

(3) "Finished rice" includes milled rice, undermilled rice and brown rice.

(4) "Milled rice" means the whole or broken kernels of rice from which the hulls and practically all of the germs and bran layers have been removed, which may either be coated or uncoated, and which does not contain more than 10 per cent of cereal grains, including paddy grains, seeds or foreign material either singly or in any combination.

(5) "Second head milled rice", "screenings milled rice" and "brewers milled rice" shall have the meanings given to them by "The United States Standards for Milled Rice" as published by the United States Department of Agriculture, effective May 15, 1942.

(6) "Undermilled rice" means rice meeting the specifications for a milled rice as set forth in subparagraphs (4) and (5) of this section except that through partial milling an insufficient amount of the germs and bran layers have been removed from the kernels to meet the specifications for a milled rice.

(7) "Brown rice" means rice meeting the specifications for a milled rice as set forth in subparagraphs (4) and (5) of this section except that only the hulls

and not the germs or bran layers have been removed from the kernels.

(8) "Rice milling by-products" includes rice hulls (whether whole or ground), rice bran and rice polishings but not bolted rice polish which latter shall be and remain subject to the General Maximum Price Regulation.

(9) "Rice hulls" is the product consisting of the outer covering of the rice.

(10) "Rice bran" is the pericarp or bran layer of the rice with only such quantity of hull fragments as is unavoidable in the regular milling of rice.

(11) "Rice polishings" is a by-product of rice obtained in the milling operation of brushing the grain to polish the kernel.

(12) "Bolted rice polish" is rice polishings which has been processed by being passed over a fine mesh screen to remove the bran and coarser particles.

(b) As used in the regulation the phrase "transportation charges actually incurred" means:

(1) Where the carrier is not owned or controlled by the seller, the amount paid such carrier (including the 3 percent tax provided for in section 620 of the Revenue Act of 1942) not exceeding any applicable common or contract carrier rate for a like billing or shipment nor any applicable maximum price for such service.

(2) Where the carrier is owned or controlled by the seller, the reasonable value of the transportation in question not exceeding, if any, the common or contract carrier rate nor the maximum price for a like service if performed by a person other than the seller.

Except as loading or unloading charges may be included in such transportation charges, no additional charges may be made for such services.

(c) For the purposes of section 8 hereof:

(1) "Processor" means any person producing rice milling by-products in the milling of rice.

(2) "Jobber" means a person who buys rice milling by-products and resells the same without unloading into a warehouse.

(3) "Wholesaler" means a person who buys rice milling by-products, unloads his purchase into a warehouse, and resells the same other than at retail.

(4) "Retailer" means a person who buys rice milling by-products and resells the same to a feeder or an ultimate user not including, however, an industrial user such as a mixed feed manufacturer.

**SEC. 6. Maximum prices for the sale or delivery of finished rice.** (a) The maximum prices for the sale or delivery of finished rice, f. o. b. the rice mill where processed, per 100 pounds, sacked or packed in containers furnished by the seller, by any person subject to this regulation other than a primary distributor, shall be as follows:

(1) For finished rice consisting of not less than 96 per cent of whole kernels and not more than 4 per cent of broken kernels nor more than 1 per cent of a variety other than the predominant va-

\*Copies may be obtained from the Office of Price Administration.

riety, the maximum price shall be as follows:

| Varieties:          | Maximum price |
|---------------------|---------------|
| Rexoro.....         | \$8.25        |
| Nira.....           | 8.25          |
| Fortuna.....        | 7.50          |
| Edith.....          | 7.00          |
| Calady.....         | 6.65          |
| Blue Rose.....      | 6.50          |
| American Pearl..... | 6.50          |
| Lady Wright.....    | 6.50          |
| Zenith.....         | 6.25          |
| Early Prolific..... | 6.20          |

(2) For finished rice of the following broken rice classes, the maximum price shall be as follows:

| Broken rice class:                           | Maximum price |
|--|---------------|
| 1. Second Head—Rexoro, Nira and Fortuna..... | \$6.00        |
| 2. Second Head—any other variety.....        | 5.25          |
| 3. Screenings.....                           | 4.50          |
| 4. Brewers.....                              | 4.00          |

(3) For any lot of finished rice not falling within subparagraphs (1) or (2) above, the maximum price shall be the figure obtained:

(i) By multiplying the percentage of whole kernel finished rice in the lot by \$6.20 (or, at the option of the seller, by multiplying the percentage of each variety of whole kernel rice in the lot by the maximum price for each such variety, respectively, as specified in subparagraph (1) above and totaling the results); and/or

(ii) By multiplying the percentage of broken kernel finished rice in the lot by \$4.00 (or, at the option of the seller, by multiplying the percentage of each broken rice class in the lot by the maximum price for each such broken rice class, respectively, as specified in subparagraph (2) above and totaling the results); and

(iii) By totaling the results of (i) and (ii) if the lot contains both whole kernel finished rice and broken rice classes of finished rice.

(4) The maximum prices specified in subparagraph (1) to (3) above, both inclusive, may be increased for the sale or delivery of finished rice processed in any of the hereinafter named cities or the railroad switching limits thereof, f. o. b. such places, at the rate per 100 pounds as set forth opposite each such city, respectively:

| City:                     | Amount of increase |
|---------------------------|--------------------|
| San Francisco, Calif..... | \$0.12             |
| St. Louis, Mo.....        | .25                |
| Memphis, Tenn.....        | .05                |
| Baton Rouge, La.....      | .10                |
| New Orleans, La.....      | .10                |

(5) The maximum prices specified in subparagraphs (1) to (4) above, both inclusive, may be increased at the rate of 10 cents per 100 pounds for the sale or delivery of finished rice which has been granulated.

(6) The maximum prices specified in subparagraphs (1) to (5) above, both inclusive, shall be decreased at the rate of 15 cents per 100 pounds for the sale or delivery of finished rice in bulk or in 100 pound sacks or other containers furnished by the buyer.

(7) (i) The maximum prices specified in subparagraphs (1) to (5) above, both inclusive, may be increased for the sale or delivery of finished rice in containers

of less than 100 pounds at the rate per 100 pounds as set forth in the following table:

| Size of container                                 | Cartons or cellophane bags | Kraft bags or other containers |
|---|----------------------------|--------------------------------|
| Up to and including 12 ozs.....                   | \$1.65                     | \$ 0.90                        |
| From 12 ozs. up to and including 1 pound.....     | 1.50                       | .90                            |
| From 1 pound up to and including 2 pounds.....    | 1.35                       | .90                            |
| From 2 pounds up to and including 3 pounds.....   | 1.20                       | .90                            |
| From 3 pounds up to and including 5 pounds.....   | .65                        | .65                            |
| From 5 pounds up to and including 10 pounds.....  | .50                        | .50                            |
| From 10 pounds up to and including 25 pounds..... | .15                        | .15                            |
| From 25 pounds up to and including 50 pounds..... | .10                        | .10                            |

(ii) Where containers of less than 100 pounds are furnished by the buyer, the seller shall determine his maximum price by subtracting from the above differentials the cost of the containers furnished by the buyer.

(b) The maximum prices for the sale or delivery of finished rice at any point other than the rice mill where processed by any person subject to this regulation other than a primary distributor shall be the maximum prices above set forth in paragraph (a) plus transportation charges actually incurred for the transportation of the finished rice from the rice mill where processed to the buyer's receiving point.

(c) The maximum price for the sale or delivery of finished rice by a primary distributor in l.c.l. quantities or quantities of less than 20,000 pounds shall be the maximum price for the sale or delivery of finished rice as specified in paragraphs (a) and (b) of this section plus an addition at the rate of 15 cents per 100 pounds where the distributor has not warehoused the finished rice in question at his distributing center or an addition at the rate of 25 cents per 100 pounds where the distributor has warehoused the finished rice in question at his distributing center plus transportation charges actually incurred by the distributor, whether inbound to, or outbound from, the distributing center.

(d) The maximum prices set forth in the foregoing subdivisions of this section may be increased by storage charges where storage is furnished by the seller at the rate of  $\frac{1}{4}$  of one cent per each 100 pounds for each day's delay in shipment beyond 30 days from the date of sale or beyond the delivery date or period specified in the contract of sale, whichever is later, where such delay is occasioned by the buyer's failure to furnish adequate shipping instructions within such time prior thereto as is reasonably sufficient to permit of shipment prior thereto.

SEC. 7. *Contents of invoice covering the sale or delivery of finished rice.* At or prior to the time of delivery, every seller of finished rice subject to this regulation shall furnish the purchaser with an invoice covering the finished rice in question. This invoice must bear the same lot number or other mark of

identification as the lot in question. The invoice shall set forth and warrant to the purchaser and every subsequent transferee:

(a) That the finished rice in question is milled rice, undermilled rice, brown rice or a mixture.

(b) Except as otherwise provided in paragraph (c) of this section:

(1) The total minimum percentage of whole kernel finished rice of all varieties in the lot;

(2) The variety and minimum percentage of whole kernel finished rice of the predominant variety in the lot;

(3) The variety and the maximum percentage of whole kernel finished rice of every other variety in the lot;

(4) The variety and the maximum percentage of each variety of second head finished rice in the lot;

(5) The maximum percentage of screenings finished rice in the lot; and

(6) The maximum percentage of brewers finished rice in the lot.

The total of (2) and (3) shall equal (1); and the total of (1), (4), (5) and (6) shall equal not more than 100 per cent.

(c) To the extent that the maximum price is calculated by multiplying the percentage of whole kernel finished rice in the lot by \$6.20 and/or by multiplying the percentage of broken kernel finished rice in the lot by \$4.00, the invoice need set forth only the percentage of whole kernel finished rice and/or of broken kernel finished rice in the lot, as the case may be.

SEC. 8. *Maximum price for the sale or delivery of rice milling by-products.* (a) The maximum price for the sale or delivery by a processor of rice hulls, rice bran or rice polishings, sacked, shall be as follows:

(1) \$7.50 per ton for rice hulls plus transportation charges actually incurred by the seller to buyer's receiving point.

(2) \$30.00 per ton for rice bran plus transportation charges actually incurred by the seller to buyer's receiving point.

(3) \$38.00 per ton for rice polishings plus transportation charges actually incurred by the seller to the buyer's receiving point.

(b) The maximum price for the sale or delivery of rice milling by-products, sacked, by a jobber shall be 50 cents per ton (maximum mark up) over his cost not exceeding the maximum price thereon to him of the producer from whom the rice milling by-products in question were purchased plus transportation charges actually incurred by the jobber.

(c) The maximum price for the sale or delivery of rice hulls, sacked, by a wholesaler shall be \$2.00 per ton (maximum mark up) over his cost not exceeding the maximum price thereon to him of the producer or jobber, as the case may be, from whom the rice hulls in question were purchased plus transportation charges actually incurred by the wholesaler.

(d) The maximum price for the sale or delivery of rice bran or rice polishings, sacked, by a wholesaler shall be \$2.50 per ton (maximum mark up) over his cost not exceeding the maximum price thereon to him of the producer or job-

ber, as the case may be, from whom the rice bran or rice polishings in question was purchased plus transportation charges actually incurred by the wholesaler.

(e) The maximum price for the sale or delivery of rice hulls, sacked, by a retailer shall be \$3.00 per ton (maximum mark up) over his cost not exceeding the maximum price thereon to him of the producer, jobber or wholesaler, as the case may be, from whom the rice hulls in question were purchased plus transportation charges actually incurred by the retailer.

(f) The maximum price for the sale or delivery of rice bran or rice polishings, sacked, by a retailer shall be \$4.00 per ton (maximum mark up) over his cost not exceeding the maximum price thereon to him of the producer, jobber or wholesaler, as the case may be, from whom the rice bran or rice polishings in question was purchased plus transportation charges actually incurred by the retailer.

(g) Jobbers, wholesalers and retailers, respectively, may trade among themselves: *Provided*, That no more than a total of the mark up above permitted for one of said classes shall be added or charged upon a sale or delivery to a person of a different class, irrespective of how many persons of a like class may have handled the particular lot of rice milling by-products in question.

(h) The maximum prices for the sale or delivery of rice hulls, rice bran and rice polishings, unsacked, or in buyer's sacks, shall be the maximum prices hereinbefore in this section set forth less the customary differential applying to sales unsacked or in buyer's sacks in relation to sales sacked by a like class of seller during March, 1942.

(i) The maximum price for the sale or delivery of imported rice hulls, rice bran or rice polishings shall be the maximum prices hereinbefore in this section set forth for a like sale or delivery of the domestic product by a like seller: *Provided*, That the first sale within the United States shall be made f. o. b. the port of entry plus transportation charges actually incurred by the seller from said port of entry only to the buyer's receiving point.

SEC. 9. *Maximum prices for export sales.* The maximum prices for export sales of finished rice or of rice milling by-products shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation.

#### ARTICLE II—MISCELLANEOUS

SEC. 10. *Records and reports.* Every person shall keep for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect a complete record of each sale or purchase subject hereto showing the date thereof, the names and addresses of the buyer and seller, the price contracted for, paid or received, and the quantity and quality of the finished rice or rice milling by-product sold or purchased.

Such sellers and purchasers shall submit such records to the Office of Price Administration and keep such other records in addition thereto or in the place

thereof as the Office of Price Administration may from time to time direct.

SEC. 11. *Enforcement.* Persons violating any provision of this regulation are subject to the license revocation or suspension provisions, civil enforcement actions, suits for treble damages, and criminal penalties as provided in the Emergency Price Control Act of 1942, as amended.

SEC. 12. *Protests and petitions.* Any person desiring to file a protest against, or seeking an amendment of any provision of this regulation may do so in accordance with Revised Procedural Regulation No. 1.

This revised regulation shall become effective April 17, 1943.

Issued this 12th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5715; Filed, April 12, 1943;  
11:50 a. m.]

#### PART 1499—COMMODITIES AND SERVICES

[Amendment 1 to Order 239 Under § 1499.3  
(b) of GMPR]

##### WEST SPADRA COAL COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and paragraph (b) of Order No. 239 under the General Maximum Price Regulation, *It is hereby ordered*, That paragraph (a) of said Order No. 239 is amended to read as follows:

(a) Briquettes manufactured by Hy-Test Fuel Company, Fort Smith, Arkansas, from Arkansas anthracite slack produced at West Spadra Coal Company's Johnson County, Arkansas mine, may be sold and purchased, at prices not to exceed \$6.00 per ton f. o. b. Fort Smith, Arkansas.

Amendment No. 1 to Order No. 239 under the General Maximum Price Regulation shall become effective as of January 22, 1943.

Issued this 12th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5720; Filed, April 12, 1943;  
11:50 a. m.]

#### PART 1499—COMMODITIES AND SERVICES

[Order 379 Under § 1499.3 (b) of GMPR]

##### WELCO SHOE CORPORATION

The Welco Shoe Corporation, Waynesville, North Carolina, made application under § 1499.3 (b) of the General Maximum Price Regulation for approval of maximum prices for its new line of men's and women's Zipp boots. Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act

of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration, *It is ordered*:

§ 1499.1866 *Approval of maximum prices for sales by Welco Shoe Corporation, Waynesville, North Carolina, of men's and women's Zipp boots.* (a) On and after April 13, 1943, the maximum prices at which the Welco Shoe Corporation, Waynesville, North Carolina, may sell, deliver and offer for sale its men's and women's Zipp boots with a platform skiver outer-sole shall be as follows:

| Stock No.:  | Maximum price<br>per pair |
|-------------|---------------------------|
| 824-----    | \$1.75                    |
| 825-----    | 1.75                      |
| 827-----    | 1.75                      |
| 839-----    | 1.75                      |
| 801-41----- | 2.01                      |
| 801-42----- | 2.01                      |

(b) The maximum prices authorized by this Order No. 379 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942 for sales by Welco Shoe Corporation of its men's and women's Zipp boots with rubber soles.

(c) The maximum prices authorized by paragraph (a) of this Order No. 379 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 379 may be amended or revoked by the Office of Price Administration.

(e) This Order No. 379 shall become effective April 13, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871).

Issued this 12th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5718; Filed, April 12, 1943;  
11:50 a. m.]

#### PART 1499—COMMODITIES AND SERVICES

[Order 382 Under § 1499.3 (b) of GMPR]

##### W. E. CHAMBERS

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered*:

§ 1499.1869 *Authorization of maximum prices for sales of Chambers Dehydrated Sweet Potato Powder by W. E. Chambers, an individual, 4112 Caruth Street, Dallas, Texas, by wholesalers and by retailers.* (a) On and after April 13, 1943, the maximum prices for sales by W. E. Chambers, 4112 Caruth Street, Dallas, Texas, of the following items shall be:

Chambers Dehydrated Sweet Potato Powder, one pound jars, \$0.62.

Chambers Dehydrated Sweet Potato Powder, one-half pound pails, \$0.32.

These prices are list and at point of origin.

(b) Sellers at wholesale, until the Office of Price Administration issues a general fixed margin regulation governing sales of this item by wholesalers shall determine their maximum selling prices for the Chambers Dehydrated Sweet Potato Powder by adding to their net costs of

\* 7 F.R. 8961; 2 F.R. 3313, 3533.

these items a mark-up of 14% of their net cost, including freight.

(c) Sellers at retail until the Office of Price Administration issues a general fixed margin regulation governing sales of these items by retailers shall determine their maximum selling price for the new product by adding to their net costs of this item a mark-up of 31% of their net costs including freight.

(d) Net cost shall mean the price paid for the first delivery of Chambers Dehydrated Sweet Potato Powder in a customary quantity from a customary supplier at a customary receiving point by the customary mode of transportation less all discounts except a discount for prompt payment. No costs of local drayage, hauling, loading or unloading shall be included in net cost.

(e) No seller except a seller at retail shall change his customary discounts, allowances, price differentials and trade practices applying to comparable items of dehydrated foods in making sales of the subject commodity unless such changes result in a lower selling price.

(f) On and after April 13, 1943, W. E. Chambers, shall supply written notification to each wholesaler before or at the time of first delivery of Chambers Dehydrated Sweet Potato Powder and for a period of three months thereafter shall include with each shipping unit of Chambers Dehydrated Sweet Potato Powder a written notification to retailers. If such retailer notification is enclosed in a shipping unit, a legend shall be affixed outside of such unit to read "Retailer's Notice Enclosed". The written notifications, for each type of purchaser shall include the following statements:

*Notification From W. E. Chambers to Wholesalers*

The OPA has authorized us to charge wholesalers the following prices for Chambers Dehydrated Sweet Potato Powder subject to all customary allowances and discounts:

Chambers Dehydrated Sweet Potato Powder:

One pound jar.....\$0.62  
One-half pound jar......32

These prices are list and at point of origin. Wholesalers, until the Office of Price Administration issues a general regulation governing sales of this item by wholesalers, are authorized to establish a ceiling price for each item by adding to the net cost of the item 14% of such net cost including freight.

Retailers, until the Office of Price Administration issues a general regulation governing sales of this item by retailers, are authorized to establish a ceiling price by adding to their net cost 31% of such net cost including freight.

Net cost shall mean the price paid for the first delivery of Chambers Dehydrated Sweet Potato Powder in a customary quantity from a customary supplier at a customary receiving point by the customary mode of transportation less all discounts except a discount for prompt payment. No costs of local drayage, hauling, loading or unloading shall be included in net cost.

A copy of notification to retailers is included in every shipping unit of this item. If the initial sale of this item to any retailer is a split case, wholesalers are required to provide such retailer with a copy of the retail notification so enclosed.

The Office of Price Administration requires that you keep this notice for examination.

*Notification From W. E. Chambers to Retailers*

The OPA authorizes retailers, until the Office of Price Administration issues a general regulation governing sales of this item by retailers, to establish ceiling prices for Chambers Dehydrated Sweet Potato Powder by adding to the net cost of such items 31% of such costs including freight.

Net cost shall mean the price paid for the first delivery of Chambers Dehydrated Sweet Potato Powder in a customary quantity from a customary supplier at a customary receiving point by a customary mode of transportation less all discounts except a discount for prompt payment. No costs of local drayage, hauling, loading or unloading shall be included in net cost.

The Office of Price Administration requires that you keep this notice for examination.

(g) This Order No. 382 may be revoked or amended by the Price Administrator at any time.

(h) This Order No. 382 (§ 1499.1869) shall become effective April 13, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5716; Filed, April 12, 1943;  
11:50 a. m.]

**Chapter XIII—Petroleum Administration for War**

[Supp. Order 6 to PAO 11']

**PART 1515—PETROLEUM PRODUCTION OPERATIONS**

General exception pursuant to paragraph (c) (10) of Petroleum Administrative Order No. 11.

§ 1515.12 *Supplementary Order No. 6 to Petroleum Administrative Order No. 11—(a) Definitions.* The definitions of Petroleum Administrative Order No. 11, as amended from time to time, shall apply in this order.

(b) *Secondary recovery operations.* Pursuant to paragraph (c) (10) of Petroleum Administrative Order No. 11, any person may accept delivery of, acquire, or use material for secondary recovery operations by means of artificial water drive, gas drive, or air drive on any lease or property on which secondary recovery operations were actually being conducted on March 30, 1943.

(c) *Violations.* Any person who willfully violates any provision of this order, or who, by any act or omission, falsifies records kept or information furnished in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment.

Any person who willfully violates any provision of this order may be prohibited from delivering or receiving any material under priority control, or such other action may be taken as is deemed appropriate.

(d) This order shall take effect on the date of issuance and shall continue in effect until June 30, 1943.

18 F.R. 3955, 4261.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of April 1943.

R. K. DAVIES,  
Deputy Petroleum Administrator  
for War.

[F. R. Doc. 43-5677; Filed, April 10, 1943;  
4:11 p. m.]

**TITLE 46—SHIPPING**

**Chapter II—Coast Guard: Inspection and Navigation**

Subchapter N—Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels

**PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS.**

Section 146.04-5 is amended as follows:

By adding following "Burnt fibers;"  
"Butadiene. (See Liquefied petroleum gas or liquefied hydrocarbon gas)."

By adding following "Butyl ether;"  
"Butyraldehyde." "Inf. L." "Red." "132".

By adding an asterisk preceding the article "Crude nitrogen fertilizer solution."

By revising the entry "Empty cartridge cases primed" (See: "Primers") to read: "Empty cartridge cases, primed".

By adding following "Hydrochloric acid;" "Hydrochloric acid, anhydrous. (See: "Hydrogen chloride")."

By adding following "Hydrogen;" "Hydrogen chloride" "Noninf. G." "Green" "250".

By adding following "Nitrocellulose colloided, granular or flake—wet with an inflammable liquid;" "Nitrocellulose colloided, granular or flake, wet with 20 per cent water." "Inf. S." "Yellow" "198".

By adding following "Pentane;" "Pentolite dry. (See: "High explosives")."

By adding following Potassium nitrate (See: "Nitrates"): "Potassium nitrate mixed (fused) with sodium nitrite." "Oxy. M." "206".

By adding an asterisk to the entry "Rum, denatured." (See "Alcohol, denatured.")

By adding following "Sodium nitrite;" "Sodium nitrite mixed (fused) with potassium nitrate. (See: "Potassium nitrate mixed (fused) with sodium nitrite")."

Section 146.20-50 is amended as follows:

By changing the word "stored" appearing three times in the section to the word "stowed" in each instance.

By adding two sentences at the end of the paragraph: "The provisions of this chart are not applicable to barges. Stowage on board barges shall be in accordance with the provisions of §§ 146.10-1 to 146.10-50, inclusive".

By adding to the chart in the horizontal and vertical columns item 2: "and over 50# smokeless powder for small arms".

By deleting in the horizontal and vertical columns from item 9: "smokeless

powder for small arms" and adding in lieu thereof: "not exceeding 50# smokeless powder for small arms".

By deleting from the title head: "(Explosives shall not be stowed together nor with other dangerous articles, except as indicated in this stowage and storage chart. (Provisions of this chart not applicable to barges.))"

Section 146.20-100 is amended as follows:

Change the entry now reading: "High explosives—Including: Ammonium picrate, Nitroguanidine, etc." to read: "High explosives (in dry condition) Including Ammonium picrate, Nitroguanidine, etc."

By adding after Nitrourea: "Pentolite".  
By deleting following Trinitrotoluene: "in dry condition".

In the fourth column of the table under "Outside containers", change the specification mark for fiberboard boxes from "(ICC-23E)" to read "(ICC-23F)".

Change the entry now reading: "High explosives—Including: Ammonium picrate, Picric acid, etc." to read: "High explosives (wet with not less than 10 pounds of water to each 90 pounds of dry material.) Including: Ammonium picrate, Picric acid, etc."

Under the article "Blasting caps—more than 1,000," in the fourth column add:

NOTE: For additional containers authorized during the war emergency see § 146.28-10.

Under the article "Fireworks" in columns 4, 5, 6 and 7 add:

NOTE: For additional containers authorized during the war emergency see § 146.28-10.

Under the article "Primers" in the first column add: "Empty cartridge cases, primed". In columns 4, 5, 6 and 7 add: "Empty cartridge cases, primed, may also be shipped in strong, tight, outside fiberboard boxes". Across columns 4, 5, 6 and 7 add:

NOTE: For additional containers authorized during the war emergency see § 146.28-12.

Section 146.21-15 is amended as follows:

At the end of paragraph (a) add: "When fiberboard box is used for such shipments by water gross weight must not exceed 65 pounds".

Section 146.21-100 is amended as follows:

After the articles "Bronzing liquid and Aluminum liquid" add: In column 1 "Butyraldehyde". In column 2 "Colorless liquid. Flashpoint 20° F. Vapors about 2½ times heavier than air. Immiscible with water. Boiling point 169° F." In column 3, "Red". In column 4, "Stowage: 'On deck protected'. 'On deck under cover'. 'Tween decks readily accessible'. Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes; WIC (ICC-15A, 15B, 15C,

16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B), not over 65 lbs. gr. wt. Fiber drums (ICC-21A) with single inside container not over 1 gal. cap. Cylinders as prescribed for any compressed gas, except acetylene". In columns 5, 6 and 7, "Not permitted".

Under the article "Gasoline" in column 4 add:

NOTE: For additional containers authorized during the war emergency see §§ 146.28-7 and 146.28-8.

Section 146.22-100 is amended as follows:

Under the article "Nitrocellulose, wet with water," in column 1 delete: "Nitrocellulose, wet with water." and add in lieu thereof: "Nitrocellulose or Collodion cotton, wet with water" and "Nitrocellulose, colloided, granular, or flake, wet with water".

Under the articles "Permanganates" add: In columns 4, 5, 6 and 7 under "Steel barrels or drums:", the specification "37G", the entry then reading "(ICC-17E, 37D, 37E, 37F, 37G) STC, not over 55 gal. cap." Under "Wooden barrels or kegs" following WIC "or with liner", the entry now reading "(ICC-11A, 11B) WIC or with liner not over 400 lbs. gr. wt."

After the article "Potassium nitrate" add: In column 1, "Potassium nitrate mixed (fused) with sodium nitrite". In column 2, "A mixture of potassium nitrate and sodium nitrite fused solid". In column 3, "—". In column 4, "Stowage: 'On deck.' 'On deck under cover.' 'Under deck.' Outside containers: Tank cars (ICC-103W)". In columns 5 and 6, "(Shipped only in tank cars)". In column 7, "Ferry stowage (BB). Outside containers: Tank cars (ICC-103W)".

Under the article "Rubber scrap, ground, powdered or granulated" add: In columns 4, 6 and 7, "Note: For additional containers authorized during the war emergency see § 146.28-6".

Under the article "Sodium hydrosulfite" add: Across columns 4, 5, 6 and 7, "Note: For additional container authorized during the war emergency see § 146.28-16".

Section 146.23-100 is amended as follows:

Under the article "Chromic acid solution" add: Across columns 4, 5, 6 and 7, "Note: For additional container authorized during the war emergency see § 146.28-17".

Under the article "Hydrofluoric acid, anhydrous" add: In column 4 under "Cylinders" "3E". Under "Tank cars" delete "(ICC-104A, 105A) (ARA-IV-A)" and substitute in lieu thereof: "(ICC-105, 105A500) (ARA-V)".

Under the articles "Sulfuric acid" and "Oil of vitriol" add: In columns 4, 6 and 7 following "(ICC-5D rubber lined, not over 110 gal. cap.", "(ICC-17F) STC not over 55 gal. cap.". In columns 6 and 7 "Tank motor vehicle (MC310)".

Section 146.24-100 is amended as follows:

After the article "Hydrogen" add: In column 1, "Hydrogen chloride". In col-

umn 2, "Non-inflammable gas. In event of leakage fumes which are irritating in contact with mucous membrane will be formed. With moisture present it is likely the fumes will show in the form of a vapor cloud and a weak muriatic acid solution which will attack iron and steel with evolution of hydrogen gas may occur. Miscible with water". In column 3, "Green gas". In column 4, "Stowage: 'On deck protected'. 'On deck under cover'. 'Tween decks'. 'Under deck away from heat'. Containers: Cylinders: (With valve protection cap.) (Boxed.)". In column 5, "Stowage: 'On deck protected'. 'On deck under cover'. 'Tween decks'. 'Under deck away from heat'. 'Cargo hatch trunkway'. Containers: Cylinders: (With valve protection cap.) (Boxed.)". In column 6, "Ferry stowage (AA). Containers: Cylinders: (With valve protection cap.) (Boxed.)". In column 7, "Ferry stowage (BB). Containers: Cylinders".

After the article "Liquefied petroleum gas (pressure not exceeding 75 lbs. per sq. in. at 105° F.)" add: In column 1, "Liquefied petroleum gas (pressure not exceeding 65 lbs. per sq. in. at 105° F.)". In column 2, "Inflammable gas. Predominate components are generally propane, butane, and isobutane. Heavier than air. Mixtures with air in certain proportions will be inflammable and explosive". In column 3, "Red gas". In column 4, "Stowage: 'On deck protected'. 'On deck under cover'. Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed) Tank cars (ICC-104) (ARA-IV)". In column 5 "Stowage: 'On deck protected'. 'On deck under cover'. Containers: Cylinders: (With valve protection cap.) With dished heads.) (Boxed.)". In column 6, "Ferry stowage (AA). Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)". In column 7, "Ferry stowage (BB). Containers: Cylinders: Tank cars (ICC-104) (ARA-IV)".

Section 146.25-11 added as follows:

§ 146.25-11 Cylinder valve protection. Cylinders containing a Class A extremely dangerous poison, Class B less dangerous poison or Class C tear gas or irritating substance when offered for transportation on board vessels shall be fitted with valve protection caps or be of dished head design of construction with the valve recessed into the cylinders or otherwise protected, or if of a design other than "valve cap" or "dished head" the cylinder shall be boxed. It is not required that such outside box be a specification container. If the box be of solid construction such box shall be marked "Inside Packages Comply with Prescribed Specifications", and the appropriate label shall be affixed thereto. Cylinders constructed with valves protruding need not be fitted with valve protection caps when such cylinders are shipped boxed.

Section 146.25-100 is amended as follows:

Under the articles "Nitrogen dioxide, liquid, nitrogen peroxide, nitrogen tetroxide" add: In column 4, "Note: For additional container authorized during the war emergency see § 146.28-19".

Under the article "Cyanide of sodium, solid," add: In column 3, "Poison". In columns 4, 5, 6 and 7 "Note: See § 146.28-5 for additional containers".

Under the articles "Methyl bromide, liquid and bromomethane, liquid" add: In columns 4, 5, 6 and 7, "3E-1800". Across columns 4, 5, 6 and 7 "Note: For additional container for methyl bromide, liquid authorized during the war emergency see § 146.28-20".

Under the article "Motor fuel anti-knock compound" change: In columns 4, 5, 6 and 7, "Wooden boxes (ICC-15A) with inside containers of not over 1 pint capacity each," to read, "3 pints capacity each".

Sections 146.28-5 to 146.28-22, inclusive, added as follows:

§ 146.28-5 *Additional containers for cyanides.* Cyanide of calcium, solid; cyanides dry; cyanide mixtures, dry; cyanide of potassium, solid; and cyanide of sodium, solid; may in addition to the containers authorized in § 146.25-100 be accepted for transportation on board vessels when packed in the following containers: Plywood drums ICC-22A, 22B, not over 200 pounds net weight. Fiber drums (ICC-21A) with one added ply of asphalt laminated Kraft, not over 225 pounds net weight.

§ 146.28-6 *Additional containers for rubber scrap.* Rubber scrap without cotton or fabric, if ground, powdered or granulated with rubber content exceeding 45 percent and rubber buffings from any grade of rubber, irrespective of the percentage of rubber content, may in addition to the containers authorized in § 146.22-100 also be accepted for transportation on board cargo vessels, ferry vessels (passenger or vehicle), and railroad car ferries (passenger or vehicle), when packed in: Wooden barrels or kegs (ICC-10A); fiberboard boxes (ICC-12B); fiber drums (ICC-21A); wooden drums (ICC-22A); tank cars tightly and securely closed.

§ 146.28-7 *Additional type tank cars for gasoline.* Gasoline may, in addition to the tank cars prescribed in § 146.21-100, also be accepted in tank cars specifications Emergency USG-A, USG-B and USG-C.

§ 146.28-8 *Additional containers for gasoline.* Gasoline shipments offered by or consigned to the War and Navy Departments or the United States Government or governments of any country whose defense is deemed vital to the defense of the United States may, in addition to the containers authorized in § 146.21-100, also be accepted in metal barrels or drums (ICC-5L).

§ 146.28-9 *Additional containers for poisonous solids; less dangerous poisons.* Class B-solids, other than those for which special packing requirements are prescribed, may be accepted for transportation on board vessels when packed in the following containers: Fiber drums (ICC-21A) not over 115 pounds net weight. Fiber drums (ICC-21A) with one added ply of asphalt laminated Kraft, 30/60/30 basis weight in side walls and heading (metal heading excluded). Maximum loaded capacity 225 pounds net.

§ 146.28-10 *Additional containers for blasting caps.* Blasting caps, electric blasting caps and blasting caps with safety fuses may be accepted for transportation on board vessels packed in fiberboard boxes (ICC-23F), gross weight not to exceed 65 pounds.

§ 146.28-11 *Additional containers for airplane flares.* Airplane flares may be accepted for transportation on board vessels when packed in fiberboard boxes (ICC-12B), gross weight not to exceed 90 pounds.

§ 146.28-12 *Additional containers for empty cartridge cases primed.* Empty cartridge cases, primed, may be accepted for transportation on board vessels when packed in strong wooden barrels.

§ 146.28-13 *Additional type tank cars for inflammable liquids.* Inflammable liquids weighing not over 8 pounds per gallon and having vapor pressure not exceeding 16 pounds per square inch, absolute, at 100 degrees F., may in addition to the tank cars prescribed in § 146.21-100 also be accepted in tank cars specifications emergency USG-A, USG-B and USG-C.

§ 146.28-14 *Additional containers for inflammable liquids.* Inflammable liquids permitted by the provisions of § 146.21-100 for transportation on board vessels when packed in fiberboard boxes with inside containers (ICC-12B) may also be accepted on board vessels when packed in fiberboard boxes with inside containers (ICC-12D).

§ 146.28-15 *Additional container for rubber cement.* Rubber cement not containing any carbon bisulfide may be accepted for transportation on board vessels when packed in wooden barrels or kegs (ICC-10A).

§ 146.28-16 *Additional container for sodium hydrosulfite.* Sodium hydrosulfite may be accepted for transportation on board vessels when packed in (ICC-21A) fiber drums without inside metal drums, provided a moistureproof liner is substituted in lieu of the inside metal drum or provided further the (ICC-21A) fiber drum is made with one added ply of asphalt laminated Kraft. Net weight for either type packing not to exceed 250 pounds.

§ 146.28-17 *Additional container for chromic acid solution.* Chromic acid solution may be accepted for transportation on board vessels when packed in (ICC-12B) fiberboard boxes with one inside glass container of capacity not over 4 fluid ounces in a wax lined cylindrical fiber carton and surrounded with asbestos.

§ 146.28-18 *Additional container for batteries, electric, wet.* Batteries, electric, storage, wet may be accepted for transportation on board vessels when packed in (ICC-12B) fiberboard box.

§ 146.28-19 *Additional container for nitrogen dioxide, liquid (nitrogen peroxide, nitrogen tetroxide).* Nitrogen dioxide, liquid (nitrogen peroxide, nitrogen tetroxide) may be accepted for transportation on board vessels when packed in (ICC-3A480 or 3A1800) metal

cylinders with valve removed, valve opening closed with solid metal plug, cylinder fitted with gas-tight valve protection cap.

§ 146.28-21 *Additional containers for methyl bromide, liquid.* Methyl bromide, liquid, may be accepted for transportation on board vessels when packed in (ICC-5A) metal drums not to exceed 30 gallons capacity.

§ 146.28-21 *Additional containers for poisonous liquids.* Poisonous liquids other than such liquids for which special requirements are prescribed by the Interstate Commerce Commission regulations may be accepted for transportation on board vessels when packed in (ICC-12D) fiberboard boxes WIC not more than 75 pounds gross weight or not containing more than 4 inside containers of a capacity greater than 5 points each.

§ 146.28-22 *Increase of weight limitation for Class B poisonous solids.* Class B poisonous solids other than such poisonous solids for which special requirements are prescribed may be accepted for transportation on board vessels when packed in metal drums (ICC-17E or 37D) having a gross weight not over 375 pounds in lieu of 300 pounds now specified.

(R. S. 4472 as amended; 46 U.S.C. 1940 ed. 170).

R. R. WAESCHE  
Commandant.

[F. R. Doc. 43-5703; Filed, April 12, 1943; 9:55 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

#### PART 8—RULES GOVERNING SHIP SERVICE

##### DEPARTURE FROM REQUIREMENTS

The Commission on April 6, 1943, effective immediately amended § 8.210 (b) to read as follows:

§ 8.210 (b) *Departure from requirements.* The requirements in § 8.210 (a) (6) relating to power output, § 8.210 (a) (8), and § 8.210 (a) (14) relating to height of masts, may be waived by the Commission only if satisfactory evidence is presented to the Commission that the construction of such radio installation was completed prior to August 27, 1942 or satisfactory evidence is presented to the Commission that prior to August 27, 1942 construction of such installation was commenced by the manufacturer and the materials used in such construction were allocated by the War Production Board. With respect to any such installation, provision shall be made for a transmitter power output of not less than 3 watts, for supporting a radio antenna of the inverted "L" type at not less than 16 feet above the water line where the inverted "L" type of antenna is used, and for manual keying of the transmitter. Any other departure from the requirements of §§ 8.204 to 8.210 (a), inclusive, will be considered by the Commission only upon a satisfactory showing

that such departure will not reduce the required efficiency, reliability, and effectiveness of the installation.

(Section 4 (1), 48 Stat. 1068; 47 U.S.C. 154 (1))

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 43-5723; Filed, April 12, 1943;  
11:59 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### Chapter I—Interstate Commerce Commission

#### Subchapter B—Carriers by Motor Vehicle

[Tariff Circular MF 2, Supplement 3,  
Correction]

### PART 187—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS

#### ORDER MODIFYING CONTRACT CARRIER SCHEDULES

APRIL 8, 1943.

In reproducing copies of Supplement No. 3 to Tariff Circular MF No. 2 for service, part of § 187.8 (p) (3) and all of § 187.8 (p) (6) and (7) were inadvertently omitted. A corrected copy is attached hereto.

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 18th day of March, A. D., 1943.

In the matter of regulations governing the form, publication and inspection of schedules of contract carriers of property by motor vehicle.

The matter of regulations governing the form, publication and inspection of schedules of contract carriers of property by motor vehicle, filed pursuant to section 218 of the Interstate Commerce Act, being under consideration and good cause appearing therefor:

It is ordered, That schedules of contract carriers of property by motor vehicle, filed pursuant to section 218 of said act, shall be constructed, published, filed and kept open for public inspection in accordance with regulations heretofore adopted and promulgated in Tariff Circular MF No. 2, and Supplement No. 1 thereto (§§ 187.7 to 187.11, inclusive, of Title 49, Code of Federal Regulations), and as modified and supplemented by Supplement No. 3 to said Tariff Circular MF No. 2;

It is further ordered, That the said Supplement No. 3 to said Tariff Circular MF No. 2, be, and it is hereby approved and made effective May 1, 1943.

Sections 187.7 to 187.11, inclusive [section 2 of Tariff Circular MF No. 2] is amended as follows:

1. Cancel paragraph (a) of § 187.7 [Rule 7] and substitute:

§ 187.7 *Publication, filing, and posting of schedules*—(a) *Schedules must be filed by contract carriers.* (1) Contract carriers shall file schedules which conform to these regulations unless otherwise authorized by the Commission.

(2) The Commission may, for reasons deemed sufficient, direct at any time, the reissue of any schedule.

2. Cancel paragraph (d) of § 187.7 [Rule 7] and substitute:

(d) *Number of copies filed; letters of transmittal.* (1) Issuing carriers shall file with the Commission three copies of each schedule supplement to, or revised page of, a schedule.

(2) All copies, together with copies of actual contracts, proposed contracts, or amendments to contracts which it is necessary to file with a schedule, supplement, or revised page of a schedule to comply with § 187.8, (r) hereof, shall be included in one package accompanied by a letter of transmittal (in duplicate if a receipt is desired) listing the publications and copies of actual or proposed contracts or amendment to contracts enclosed therewith.

(3) Each transmittal letter must bear the signature of the person issuing the schedule, supplement or revised page; or it may bear the personal signature of the carrier's authorized representative, provided that a properly attested authorization to submit publications for filing by such party accompanies the transmittal letter or has previously been submitted and is in effect. The Commission may decline to accept for filing any publication which is not accompanied by a transmittal letter properly signed.

(4) The package and letter of transmittal shall be addressed to the Interstate Commerce Commission, Bureau of Motor Carriers, Section of Traffic, Washington, D. C. All postage or other charges must be prepaid.

3. Cancel paragraph (p) of § 187.8 [Rule 8] and substitute:

§ 187.8 *Form and contents of schedules.* \* \* \*

(p) *Tables of minimum rates or charges.* (1) The tables of minimum rates or charges shall be shown immediately following the rules, and shall state minimum rates or charges actually maintained and charged.

(2) The commodities on which the rates or charges apply shall be shown on the same page on which the rates or charges are published or there shall be shown on such pages a statement of the page or item containing a list of such commodities.

(3) Except as provided in paragraph (r) of this rule, minimum rates or charges shall be published only on such commodities and from and to such points and for such services as are stated in actual contracts.

(4) Tables of minimum rates or charges shall be arranged alphabetically by points of origin and destination, except that, if it is desired to group points by states, they may be arranged in alphabetical order by states, the points in each state also being shown in alphabetical order.

(5) The minimum rates or charges shall be stated in cents, or dollars and cents per 100 pounds, per mile, per hour, per ton of 2,000 pounds, per ton of 2,240 pounds, per truckload (of stated amount), or other definable measure,

(6) Schedules shall clearly show the points from and to which the minimum rates and charges apply, or indicate briefly by territorial description the territory within which they apply.

(7) If minimum rates or charges are determined by use of distances, schedules shall show the distances from and to the points from and to which the minimum rates or charges apply, or shall indicate a definite method by which the distances shall be determined (see § 187.7 (c) of this section).

4. Add the following paragraph (r) to § 187.8 [Rule 8]:

(r) *Schedules covering new services.*

(1) Each schedule or supplement to, or revised page of a schedule submitted for filing, which states minimum rates or charges for services not provided for in the carrier's effective schedule or schedules on file with the Commission, shall be accompanied by a true copy of the actual contract or proposed contract, or amendment to an existing contract between the carrier and the shipper for whom such services are to be performed.

(2) The actual or proposed contract or amendment to a contract, filed in accordance with the provisions of this paragraph, shall show the actual rates and charges for the services to be performed thereunder.

(3) The provisions of § 187.8 (p) and (r) do not apply to the filing of contracts for the transportation of bullion, currency, jewels and other precious or very valuable articles. Copies of such contracts are not required to be filed with the Commission.

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 43-5608; Filed, April 9, 1943;  
11:48 a. m.]

## TITLE 50—WILDLIFE

### Chapter IV—Office of the Coordinator of Fisheries

[Order 1787, Amendment 1]

### PART 401—PRODUCTION OF FISHERY COMMODITIES OR PRODUCTS

#### SALMON CANNING INDUSTRY IN TERRITORY OF ALASKA

Section 401.1 (c) of Order 1787 dated March 3, 1943, (8 F.R. 2892), is hereby amended in the following respects:

1. Delete from item IV (2) of Schedule A under the heading "Name of person" the name "Uganik Fisheries Inc., Uganik" and substitute in lieu thereof "Alaska Packers Assn., Larsen Bay".

2. Add as item IV (10) of Schedule A under the heading "Name of person" the name "Uganik Fisheries Inc., Uganik"; under the heading "Nucleus plant" the name "Uganik Fisheries Inc., Uganik"; and under the heading "Number of lines" the number "1".

Issued this 8th day of April 1943.

HAROLD L. ICKES,  
Secretary of the Interior.

[F. R. Doc. 43-5704; Filed, April 12, 1943;  
10:01 a. m.]

## Notices

### TREASURY DEPARTMENT.

Fiscal Service; Bureau of the Public Debt.

[1943 Dept. Circ. 710]

#### 7/8 PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES B-1944

APRIL 12, 1943.

##### I. OFFERING OF CERTIFICATES

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for certificates of indebtedness of the United States, designated 7/8 percent Treasury Certificates of Indebtedness of Series B-1944. The amount of the offering is not specifically limited, although allotments to commercial banks, which are defined for this purpose as banks accepting demand deposits, for their own account will be limited to \$2,000,000,000, or thereabouts. The books will be open today and until further notice for the receipt of subscriptions from others than commercial banks for their own account, and today, April 13 and April 14 for the receipt of subscriptions from commercial banks for their own account.

##### II. DESCRIPTION OF CERTIFICATES

1. The certificates will be dated April 15, 1943, and will bear interest from that date at the rate of 7/8 percent per annum, payable on a semiannual basis on October 1, 1943, and April 1, 1944. They will mature April 1, 1944, and will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all Federal taxes, now or hereafter imposed. The certificates shall be subject to estate, inheritance, gift and other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes and will not bear the circulation privilege.

4. Bearer certificates with two interest coupons attached will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000 and \$1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

##### III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Commercial banks are requested not to buy the securities which may be

allotted hereunder to others during the period the subscription books remain open. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Securities dealers and brokers will not be permitted to enter subscriptions for their customers except through banking institutions. Subscriptions from commercial banks for their own account will be received without deposit. All other subscriptions must be accompanied by payment in full for the amount of certificates applied for.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, subscriptions for amounts up to and including \$100,000 from commercial banks, and subscriptions in any amount from all other subscribers, will be allotted in full; subscriptions for amounts over \$100,000 from commercial banks will be allotted on an equal percentage basis, to be publicly announced. Allotment notices will be sent out promptly upon allotment.

##### IV. PAYMENT

1. Payment at par and accrued interest, if any, for certificates allotted hereunder to or for the account of others than commercial banks must be made on or before April 15, 1943, or on later allotment. Payment at par and accrued interest to April 22, 1943, for certificates allotted hereunder to commercial banks must be made on that date. One day's accrued interest is \$0.02391 per \$1,000. Any qualified depository will be permitted to make payment by credit for certificates allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its District.

##### V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY MORGENTHAU, Jr.,  
Secretary of the Treasury.

[F. R. Doc. 43-5646; Filed, April 10, 1943;  
10:23 a. m.]

[1943 Dept. Circ. 708]

#### 2 1/2 PERCENT TREASURY BONDS OF 1964-69

APRIL 12, 1943.

##### I. OFFERING OF BONDS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for bonds of the United States, designated 2 1/2 percent Treasury Bonds of 1964-69. These bonds will not be available for subscription, for their own account, by commercial banks, which are defined for this purpose as banks accepting demand deposits. The amount of the offering is not specifically limited.

##### II. DESCRIPTION OF BONDS

1. The bonds will be dated April 15, 1943, and will bear interest from that date at the rate of 2 1/2 percent per annum, payable on a semiannual basis on June 15 and December 15 in each year until the principal amount becomes payable. They will mature June 15, 1969, but may be redeemed at the option of the United States on and after June 15, 1964, in whole or in part, at par and accrued interest, on any interest day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption the bonds to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

2. The income derived from the bonds shall be subject to all Federal taxes, now or hereafter imposed. The bonds shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will not be acceptable to secure deposits of public moneys before April 15, 1953; they will not bear the circulation privilege, and they will not be entitled to any privilege of conversion.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of \$500, \$1,000, \$5,000, \$10,000, \$100,000 and \$1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury, except that they may not, before April 15, 1953, be transferred to or be held by commercial banks, which are defined for this purpose as banks accepting demand deposits. However, the bonds may be pledged as collateral for loans, including loans by commercial banks, but any such bank acquiring such bonds before April 15, 1953, because of the failure of such loans to be paid at maturity will be required to dispose of them in the same manner as they dispose of other assets not eligible to be owned by banks.

5. Any bonds issued hereunder which upon the death of the owner constitute part of his estate, will be redeemed at the option of the duly constituted representatives of the deceased owner's estate, at par and accrued interest to date of payment.<sup>1</sup> *Provided:*

(a) That the bonds were actually owned by the decedent at the time of his death; and

(b) That the Secretary of the Treasury be authorized to apply the entire proceeds of redemption to the payment of Federal estate taxes.

Registered bonds submitted for redemption hereunder must be duly assigned to "The Secretary of the Treasury for redemption, the proceeds to be paid to the Collector of Internal Revenue at ----- for credit on Federal estate taxes due from estate of -----." Owing to the periodic closing of the transfer books and the impossibility of stopping payment of interest to the registered owner during the closed period, registered bonds received after the closing of the books for payment during such closed period will be paid only at par with a deduction of interest from the date of payment to the next interest date;<sup>2</sup> bonds received during the closed period for payment at a date after the books reopen will be paid at par plus accrued interest from the reopening of the books to the date of payment. In either case checks for the full six months' interest due on the last day of the closed period will be forwarded to the owner in due course. All bonds submitted must be accompanied by Form PD 1782,<sup>3</sup> properly completed, signed and sworn to, and by a certificate of the appointment of the personal representatives, under seal of the court, dated not more than 6 months prior to the submission of the bonds, which shall show that at the date thereof the appointment was still in force and effect. Upon payment of the bonds appropriate memorandum receipt will be forwarded to the representatives, which will be followed in due course by formal receipt from the Collector of Internal Revenue.

6. Except as provided in the preceding paragraphs, the bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

### III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department

are authorized to act as official agencies. Subscriptions must be accompanied by payment in full for the amount of bonds applied for.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of bonds applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

### IV. PAYMENT

1. Payment at par and accrued interest, if any, for bonds allotted hereunder must be made on or before April 15, 1943, or on later allotment. One day's accrued interest is \$0.06868 per \$1,000. Any qualified depository will be permitted to make payment by credit for bonds allotted to its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its District.

### V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY MORGENTHAU, JR.,  
Secretary of the Treasury.

[F. R. Doc. 43-5644; Filed, April 10, 1943;  
10:23 a. m.]

[1943 Dept. Circ. 709]

### 2 PERCENT TREASURY BONDS OF 1950-52

APRIL 12, 1943.

### I. OFFERING OF BONDS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for bonds of the United States, designated 2 percent Treasury Bonds of 1950-52. The amount of the offering is not specifically limited, although allotments to commercial banks, which are defined for this purpose as banks accepting demand deposits, for their own account will be limited to \$2,000,000,000 or thereabouts. The books will be open today and until further notice for the receipt of subscriptions from others than commercial banks for their own account, and on April 28, April 29 and April 30 for the

receipt of subscriptions from commercial banks for their own account.

### II. DESCRIPTION OF BONDS

1. The bonds will be dated April 15, 1943, and will bear interest from that date at the rate of 2 percent per annum, payable on a semiannual basis on September 15, 1943, and thereafter on March 15 and September 15 in each year until the principal amount becomes payable. They will mature September 15, 1952, but may be redeemed at the option of the United States on and after September 15, 1950, in whole or in part, at par and accrued interest, on any interest day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption the bonds to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

2. The income derived from the bonds shall be subject to all Federal taxes, now or hereafter imposed. The bonds shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys, but will not bear the circulation privilege and will not be entitled to any privilege of conversion.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of \$500, \$1,000, \$5,000, \$10,000, \$100,000 and \$1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

### III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Commercial banks are requested not to buy the securities which may be allotted hereunder to others during the period the subscription books remain open. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Securities dealers and brokers will not be permitted to enter subscriptions for their customers except through banking institutions. Subscriptions from commercial banks for their own account will be received without deposit. All other subscriptions must be accompanied by payment in full for the amount of bonds applied for.

<sup>1</sup>An exact half-year's interest is computed for each full half-year period irrespective of the actual number of days in the half year. For a fractional part of any half year, computation is on the basis of the actual number of days in such half year.

<sup>2</sup>The transfer books are closed from May 16 to June 15, and from November 16 to December 15 (both dates inclusive) in each year.

<sup>3</sup>Copies of Form PD 1782 may be obtained from any Federal Reserve Bank or from the Treasury Department, Washington, D. C.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of bonds applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, subscriptions for amounts up to and including \$100,000 from commercial banks, and subscriptions in any amount from all other subscribers, will be allotted in full; subscriptions for amounts over \$100,000 from commercial banks will be allotted on an equal percentage basis, to be publicly announced. Allotment notices will be sent out promptly upon allotment.

#### IV. PAYMENT

1. Payment at par and accrued interest, if any, for bonds allotted hereunder to or for the account of others than commercial banks must be made on or before April 15, 1943, or on later allotment. Payment at par and accrued interest to May 10, 1943, for bonds allotted hereunder to commercial banks must be made on that date. One day's accrued interest is \$0.05435 per \$1,000. Any qualified depository will be permitted to make payment by credit for bonds allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its District.

#### V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY MORGENTHAU, JR.,  
Secretary of the Treasury.

[F. R. Doc. 43-5645; Filed, April 10, 1943;  
10:23 a. m.]

### DEPARTMENT OF THE INTERIOR.

#### Bituminous Coal Division.

[Docket No. B-371]

#### EARL BYERS

#### NOTICE OF FILING OF APPLICATION

Notice is hereby given that an application dated March 29, 1943 for disposition of the above-entitled matter without formal hearing, was filed with the Bituminous Coal Division on March 31, 1943, pursuant to § 301.132 of the Rules of Practice and Procedure before

the Bituminous Coal Division by Earl Byers the above-named code member.

The application was filed with respect to the matters contained in a Notice of and Order for Hearing dated March 12, 1943 to determine whether the above-named code member had violated the Bituminous Coal Act of 1937 (the "Act"), the Bituminous Coal Code (the "Code") and Rules and Regulations promulgated thereunder as more fully set forth in the said Notice of and Order for Hearing.

In said application the code member: 1. Admits that he is a code member operating the Earl Byers Mine, Mine Index No. 816, located in Fairview Township, Butler County, Pennsylvania in District No. 2 and that his business address is R. F. D. No. 1, Petrolia, Pennsylvania.

2. Admits that he wilfully violated section 4 Part II (e) and (g) of the Act and Part II (e) and (g) of the Code by the sale and delivery during the period from October 1, 1940 to January 1, 1942, both dates inclusive, of approximately 387 tons of run of mine coal (Size Group 8) to the Karns City Borough and the Fairview Township Schools in Butler County, Pennsylvania, a distance of approximately three miles from said mine at a delivered price of \$2.35 per net ton, whereas the delivered price was the effective minimum f. o. b. mine price of said coal of \$2.30 per net ton plus an estimated transportation and handling cost of 10 cents to 15 cents per net ton.

3. Admits that he wilfully violated section 4 Part II (e) and (g) of the Act and Part II (e) and (g) of the Code by the sale and delivery during the period from October 1, 1940 to January 1, 1942, both dates inclusive, of approximately 1841.8 net tons of run of mine coal (Size Group 8) to the Ultra-Penn Refining Company, Bruin, Pennsylvania, an actual distance of 3½ miles from said mine, at delivered prices ranging from \$2.35 to \$2.40 per net ton, whereas the delivered price was the effective minimum f. o. b. mine price of said coal of \$2.30 per net ton plus an estimated transportation and handling cost of 10 cents to 15 cents per net ton.

4. Admits that he wilfully violated Rule 1 (F) of section VII of the Marketing Rules and Regulation: by accepting payments from said Ultra-Penn Refining Company in the transactions described in paragraph 3 above in the form of petroleum products manufactured by said purchaser in lieu of payment in full in United States currency or funds equivalent thereto.

5. Consents with respect to the foregoing admitted violations to the entry of an order directing the code member to cease and desist from violations of the Code and regulations thereunder.

6. Agrees to execute any and all papers and instruments necessary to dispose of this proceeding in the event that this application is granted.

7. Represents that to the best of his belief and knowledge he has not committed any other violations of the Act, the Code or regulations thereunder either before or after the above admitted violations occurred, whether of the same or of any other character.

8. Represents in extenuation of the foregoing admitted violations that the

consumer, Ultra-Penn Refining Company together with other consumers control the available market for his coal to the extent that the price received by the code member for the coal was dictated by such consumers; and that the acceptance by him of payment, for the coal sold, in the form of petroleum products was insisted upon by said Ultra-Penn Refining Company.

All interested parties may, if they so desire, file with the Division, recommendations or requests for informal conference with respect to said application within fifteen (15) days from the date of publication of this notice.

Dated: April 9, 1943.

[SEAL]

DAN H. WHEELER,  
Director.

[F. R. Doc. 43-5714; Filed, April 12, 1943;  
11:34 a. m.]

[Docket No. B-368]

#### SOUTHWEST COAL SALES

#### ORDER GRANTING PERMISSION TO FILE APPLICATION

In the matter of Thos. S. Laser an individual operating as Southwest Coal Sales, Registered Distributor, Registration No. 5414.

The above-entitled matter having been heretofore scheduled for hearing on April 14, 1943, at a hearing room of the Bituminous Coal Division (the "Division"), at Room 428, United States Post Office, Minneapolis, Minnesota, by a Notice of and Order for Hearing issued herein on March 3, 1943; and

A letter dated April 8, 1943, having been filed on April 9, 1943, with the Division by the above-named Thos. S. Laser, registered distributor, requesting (1) that permission be granted to file an application pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for disposition of this proceeding without formal hearing, which application was attached to said letter, and (2) that the hearing herein be postponed to a time and place to be hereafter designated by the Director; and

It appearing to the Director that good cause having been shown for the granting of said request in part as hereinafter provided:

Now, therefore, *It is ordered*, That permission be and it hereby is granted to the said registered distributor to file his application in the above-entitled matter, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division; and

*It is further ordered*, That the hearing in the above-entitled matter be, and the same hereby is postponed to a time and place to be hereafter designated by an appropriate order; and

*It is further ordered*, That the Notice of and Order for Hearing entered herein on March 3, 1943, shall, in all other respects, remain in full force and effect.

Dated: April 9, 1943.

[SEAL]

DAN H. WHEELER,  
Director.

[F. R. Doc. 43-5713; Filed, April 12, 1943;  
11:34 a. m.]

[Docket No. B-258]

## GRADEN COAL COMPANY

## MEMORANDUM OPINION AND ORDER TO CEASE AND DESIST

On September 24, 1942, after notice and hearing, Joseph A. Huston, a duly designated Examiner of the Division, submitted a Report in which he found that code member, The Graden Coal Company, a corporation, operating the Graden Mine, Mine Index No. 121, in Weld County, Colorado, in District 16, wilfully violated the provisions of sections 4 II (e) and 4 II (i) 8 of the Code and rules and regulations thereunder, by selling, during the period from December 1, 1940, to October 9, 1941, an unknown quantity of coal at \$4.05 per net ton f. o. b. the mine, which should have been sold at \$4.55 per net ton f. o. b. the mine, and 409.25 tons of  $\frac{3}{4}$ " slack coal at \$1.60 per net ton f. o. b. the mine which should have been sold at \$1.85 per net ton f. o. b. the mine, and by invoicing as  $2\frac{1}{2}$ " x 8" egg coal, 8" lump coal and  $\frac{1}{4}$ " slack, coal which was not  $2\frac{1}{2}$ " x 8" egg, 8" lump or  $\frac{1}{4}$ " slack, as invoiced. The Examiner further found that code member had not violated Division Orders Nos. 288, 296, 297, 307 or 312.

The Examiner recommended that an order be entered dismissing those charges in the complaint relating to violations of Division Orders Nos. 288, 296, 297, 307 or 312, and requiring code member to cease and desist from selling coal at prices below the applicable minima established therefor by the Division, and from misrepresenting the size of coal upon its invoices, or from otherwise violating the Act, the Code, and orders, rules and regulations issued thereunder. Opportunity was afforded to all parties to file exceptions to the Examiner's Report. No exceptions have been filed.

I have considered the Report of the Examiner and I find that it adequately and accurately reflects the evidence disclosed in the record. Upon the basis of the proposed findings of fact, proposed conclusions of law, and recommendation set forth in the Report, and upon the entire record in this proceeding;

*It is hereby ordered*, That the proposed findings of fact and the proposed conclusions of law of the Examiner are approved and adopted as the findings of fact and conclusions of law of the Director.

*It is further ordered*, That all allegations in the complaint which charge code member with violations of Division Orders Nos. 288, 296, 297, 307 or 312 be, and same are, hereby dismissed.

*It is further ordered*, That The Graden Coal Company, a corporation, code member, its representatives, agents, servants, employees, attorneys, and all persons acting or claiming to act in its behalf or interest, cease and desist from violating sections 4 II (e) and 4 II (i) 8 of the Act, and the corresponding sections of the Code, or from otherwise violating the provisions of the Act, the Code, or rules and regulations issued thereunder.

Notice is hereby given that upon failure or refusal to comply with this order, the Division may apply to a United States Circuit Court of Appeals for the enforcement thereof, or may otherwise proceed as authorized by the Act.

Dated: April 9, 1943.

[SEAL]

DAN H. WHEELER,  
Director.[F. R. Doc. 43-5712; Filed, April 12, 1943;  
11:34 a. m.]

[Docket No. B-190]

## COVE HILL COAL COMPANY

## ORDER RESTORING CODE MEMBERSHIP

A written complaint dated January 16, 1942, having been filed on January 16, 1942, by the Bituminous Coal Producers Board for District No. 6, complainant, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging willful violations by Cove Hill Coal Company, a code member, Hancock County, West Virginia, of the Bituminous Coal Act and the rules and regulations promulgated thereunder; and

An Order having been issued herein on September 22, 1942, revoking and cancelling the code membership of the said Cove Hill Coal Company in the Bituminous Coal Code and providing pursuant to section 5 (c) of the Bituminous Coal Act for the payment to the United States of a tax in the amount of \$5,759.05 as a condition precedent to the restoration of Cove Hill Coal Company to membership in the Code; and

An application dated October 1, 1942, having been granted by Order of the Division issued October 16, 1942, conditionally restoring the membership of said Cove Hill Coal Company in the Code effective as of the effective date of said Order of Revocation upon the following terms and conditions:

In the event of default by Cove Hill Coal Company in making any installment payment as agreed in said joint application, as amended, such conditional restoration of code membership shall become wholly ineffective as of October 2, 1942, the entire balance of said tax then owing shall become due and payable and all coal sold or otherwise disposed of by said Cove Hill Coal Company on and after October 2, 1942, shall be subject to the  $19\frac{1}{2}$  percent tax provided by section 3520 (b) (1) of the Internal Revenue Code;

and

Said Order dated October 16, 1942, conditionally restoring code membership, having provided that upon payment of the aforesaid tax in full in accordance with the terms of the application as amended, the code member should submit to the Division a statement by the Collector of Internal Revenue showing that said tax has been paid in full and thereupon an order would be issued restoring the code member to full and unconditional membership in the Code as of the effective date of the revocation and cancellation of its code membership.

Cove Hill Coal Company, by its attorney, having filed with the Bituminous Coal Division on April 1, 1943, its appli-

cation for restoration to full and unconditional code membership; and

It appearing from said application and the statement filed by the Bureau of Internal Revenue with the Bituminous Coal Division on April 1, 1943, that the final installment of said tax was paid on March 25, 1943;

*Now, therefore, it is ordered*, That the code membership of Cove Hill Coal Company be, and the same hereby is fully and unconditionally restored effective as of the effective date of revocation of its code membership.

Dated: April 9, 1943.

[SEAL]

DAN H. WHEELER,  
Director.[F. R. Doc. 43-5711; Filed, April 12, 1943;  
11:34 a. m.]

## General Land Office.

[Public Land Order 108]

## NEW MEXICO

WITHDRAWING PUBLIC LANDS FOR USE OF THE  
WAR DEPARTMENT AS A BOMBING RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146 of April 24, 1942, and to section 1 of the act of June 28, 1934, as amended, 48 Stat. 1269 (U.S.C., title 43, sec. 315), *It is ordered*, As follows:

Subject to valid existing rights, the public lands in the following-described areas are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the War Department as a bombing range:

## NEW MEXICO PRINCIPAL MERIDIAN

T. 7 N., R. 11 W., secs. 14, 15, 16, 21, 22, 23, 26, 27, and 28.

The areas described, including both public and non-public lands, aggregate 5,760 acres.

The order of June 12, 1941, of the Secretary of the Interior, establishing New Mexico Grazing District No. 1, is hereby modified to the extent necessary to permit the use of the lands as herein provided.

It is intended that the public lands described herein shall be returned to the administration of the Department of the Interior, when they are no longer needed for the purpose for which they are reserved.

ABE FORTAS,

Acting Secretary of the Interior.

MARCH 31, 1943.

[F. R. Doc. 43-5698; Filed, April 12, 1943;  
9:55 a. m.]

## DEPARTMENT OF LABOR.

## Wage and Hour Division.

## LEARNER EMPLOYMENT CERTIFICATES

## ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748) and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the determination and order or regulation for the industry designated above and indicated opposite the employer's name. These certificates become effective April 12, 1943. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

*Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry*

William Atkin Company, Allentown, Pennsylvania; Men's shirts; 10 percent (T); April 12, 1944.

Michael Berkowitz Company, Inc., Uniontown, Pennsylvania; Government shirts and pajamas; 20 learners (A. T.); October 12, 1943.

Brookfield - Garrison Manufacturing Company, Warrensburg, Missouri; Jack-

ets, one piece suits, pants and shirts; 10 percent (T); April 12, 1944.

Charming Lady Cottons, Inc., 1727 Broad Street, So., Greensburg, Pennsylvania; Women's cotton dresses; 15 learners (A. T.); October 5, 1943.

Fitwell Underwear Manufacturing Company, 411½ Fannin Street, Houston, Texas; Ladies' and children's cotton & rayon underwear; 5 learners (T); April 12, 1944.

Fletcher Brothers, 436 S. Liberty Street, Winston-Salem, North Carolina; Bibi overalls waist, dungarees; 15 learners (A. T.); October 12, 1943.

Juniors Incorporated, 860 South Los Angeles Street, Los Angeles, California; Children's dresses and sportswear; 2 learners (T); April 12, 1944.

Leask Manufacturing Company, Incorporated, 109-115 West First Street, Oswego, New York; Women's work clothes; 10 learners (T); April 12, 1944.

Patterson Manufacturing Company, 428 North Main Street, Miami, Oklahoma; Overalls, jumpers and Army pants; 28 learners (A. T.); November 2, 1943.

Rice Stix Factory #10, 10 N. Division Street, Bonne Terre, Missouri; Men's and boys' shirts; 10 percent (A. T.); October 22, 1943.

Rice Stix Factory #25, First & So. A. Streets, Farmington, Missouri; Men's shirts; 10 percent (A. T.); October 22, 1943.

Springfield Garment Manufacturing Company, 727 N. Campbell Street, Springfield, Missouri; U. S. Army trousers; 10 percent (T); April 12, 1944.

Woods Manufacturing Company, 200 Garrison Avenue, Fort Smith, Arkansas; Dress and semi-dress trousers and Army trousers; 15 learners (A. T.); January 28, 1944.

#### Gloves Industry

The Trion Company, Trion, Georgia; Work gloves; 45 learners (A. T.); December 28, 1943.

#### Hosiery Industry

Alabama Hosiery Mills, Inc., 6th Ave. and 11th St., Decatur, Alabama; Full-fashioned hosiery; 37 learners (A. T.); November 19, 1943.

Amos Hosiery Mills, 328 Mangum Avenue, High Point, North Carolina; Seamless hosiery; 10 percent (A. T.); November 30, 1943.

Brownhill & Kramer, Inc., Coudersport, Pennsylvania; Full-fashioned hosiery; 15 learners (A. T.); October 12, 1943.

Chipman LaCrosse Hosiery Mills Company, Inc., 125 E. Caswell Street, Hendersonville, North Carolina; Seamless hosiery; 24 learners (A. T.); October 12, 1943.

Continental Hosiery Company, Dabney Rd., Henderson, North Carolina; Seamless hosiery; 5 learners (A. T.); September 28, 1943.

Elliott Knitting Mills, Incorporated, Catawba, North Carolina; Seamless hosiery; 25 learners (A. T.); November 12, 1943.

Gray Line Hosiery Company, Coldbrook Avenue, Chambersburg, Pennsyl-

vania; Full-fashioned hosiery; 10 learners (A. T.); October 12, 1943.

Graysville Hosiery Mill, 125 East Main Street, Dayton, Tennessee; Seamless hosiery; 20 learners (A. T.); September 24, 1943. (This certificate replaces the one issued to you bearing the expiration date of October 5, 1944.)

Hewitt Hosiery Mills, Depot Street, Marion, North Carolina; Seamless hosiery; 7 learners (A. T.); October 12, 1943.

Infants Socks, Incorporated, 210 Maple Street, Reading, Pennsylvania; Seamless hosiery; 5 percent (T); April 12, 1944.

The Locke Hosiery Mills, 4937 Mulberry Street, Philadelphia, Pennsylvania; Seamless hosiery; 10 learners (A. T.); November 30, 1943.

Rutledge Hosiery Mill Company, Incorporated, Rutledge, Tennessee; Seamless hosiery; 5 learners (A. T.); October 26, 1943.

Sweetwater Hosiery Mills, 818 N. Main Street, Sweetwater, Tennessee; Seamless hosiery; 12 learners (A. T.); August 31, 1943.

Unrivaled Hosiery Mill, Williamstown, Pennsylvania; Seamless hosiery; 16 learners (A. T.); October 12, 1943. (This certificate replaces the certificate which expires on April 27, 1943.)

Van Raalte Company, Incorporated, Willingham Circle, Blue Ridge, Georgia; Full-fashioned hosiery; 10 percent (A. T.); October 12, 1943.

Walnut Hosiery Mills, Incorporated, 5th and Walnut Street, Shamokin, Pennsylvania; Full-fashioned hosiery; 5 learners (T); April 12, 1944.

Wilkes Hosiery Mills Company, North Wilkesboro, North Carolina; Seamless hosiery; 46 learners (A. T.); September 24, 1943.

#### Knitted Wear Industry

The Rivoli Mills, 2300 East 28th Street, Chattanooga, Tennessee; Knitted underwear and outerwear; 10 learners (A. T.); October 12, 1943.

#### Telephone Industry

Hooper Telephone Company, Hooper, Nebraska, To employ learners as commercial switchboard operators at its Hooper exchange, Hooper, Nebraska, until April 12, 1944.

#### Textile Industry

Avondale Mills, Sylacauga, Alabama; Cotton fabrics and yarn; 6 percent (A. T.); April 12, 1944.

Avondale Mills, Sycamore, Alabama; Cotton fabrics and yarn; 6 percent (A. T.); April 12, 1944.

Avondale Mills, Alexander City, Alabama; Cotton fabrics and yarn; 6 percent (A. T.); April 12, 1944.

Avondale Mills, Pell City, Alabama; Cotton fabrics and yarn; 6 percent (A. T.); April 12, 1944.

Avondale Mills, Birmingham, Alabama; Cotton and fabric yarns; 6 percent (A. T.); April 12, 1944.

Avondale Mills, Stevenson, Alabama; Cotton and fabric yarns; 6 percent (A. T.); April 12, 1944.

Avondale Mills, LaFayette, Alabama; Cotton and fabric yarns; 6 percent (A. T.); April 12, 1944.

Bibb Manufacturing Company, Osprey Mill, Porterdale, Georgia; Cotton yarn; 40 learners (T); April 12, 1944.

Bibb Manufacturing Company, Welau-mee Mill, Porterdale, Georgia; Cotton yarn; 3 learners (T); April 12, 1944.

Bibb Manufacturing Company, No. One Mill, 255 Main Street, Macon, Georgia; Cotton yarn; 12 learners (T); April 12, 1944.

Bibb Manufacturing Company, Columbus Mill, Columbus, Georgia; Cotton yarn; 75 learners (T); April 12, 1944.

Bibb Manufacturing Company, Porterdale Mill, Porterdale, Georgia; Cotton yarn; 22 learners (T); April 12, 1944.

Bibb Manufacturing Company, Star Mill, Macon, Georgia; Cotton yarn; 1 learner (T); April 12, 1944.

Bibb Manufacturing Company, Taylor Mill, Reynolds, Georgia; Cotton yarn; 2 learners (T); April 12, 1944.

Bibb Manufacturing Company, No. Two Mill, Macon, Georgia; Cotton yarn; 3 percent (T); April 12, 1944.

Bibb Manufacturing Company, Crown Mill, Hawthorne Street, Macon, Georgia; Cotton yarn; 5 learners (T); April 12, 1944.

Bibb Manufacturing Company, Payne Mill, Payne City, Macon, Georgia; Cotton yarn; 3 percent (T); April 12, 1944.

Hill Spinning Company, Roseboro, North Carolina; Cotton yarn; 3 learners (A. T.); November 2, 1943.

J. & C. Bedspread Company, Ellijay, Georgia; Chenille & punchwork bedspreads; 10 learners (A. T.); October 29, 1943.

Kendall Mills, Oakland Plant, 2802 Fair Avenue, Newberry, South Carolina; Gauze; 6 learners (T); April 12, 1944.

Richmond Hosiery Mills, Spinning Dept., Rossville, Georgia; Cotton yarns; 3 percent (T); April 12, 1944.

Bibb Manufacturing Company, Knitting Mill, Macon, Georgia; Cotton hosiery; 1 learner (T); April 12, 1944.

M. Hoffman & Company, 183 Orleans Street, East Boston, Massachusetts; Overalls, work clothes, cotton fabrics, trousers, sportswear; 10 percent (T); April 12, 1944.

Signed at New York, N. Y., this 10th day of April 1943.

PAULINE C. GILBERT,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 43-5697; Filed, April 12, 1943; 9:33 a. m.]

#### CIGAR INDUSTRY

##### NOTICE OF HEARING

Notice of hearing in the matter of the employment of learners at less than the minimum wage rate applicable under section 6 of the Fair Labor Standards Act in the Cigar Industry.

Whereas the employment of learners in the Cigar Industry as defined in Administrative Order No. 131 was authorized pursuant to the notice of amended

order for the employment of learners in the Cigar Industry (6 F.R. 3753), dated July 29, 1941; and

Whereas the Administrator of the Wage and Hour Division on July 8, 1942, pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938, provided by wage order for the Cigar Industry, effective August 10, 1942, that wages at a rate not less than 40 cents per hour shall be paid under section 6 of the Act by every employer to each of his employees in the Cigar Manufacturing Branch of the Cigar Industry who is engaged in commerce or in the production of goods for commerce; and that wages at a rate not less than 35 cents per hour shall be paid under section 6 of the Act by every employer to each of his employees in the Leaf Processing Branch of the Cigar Industry who is engaged in commerce or in the production of goods for commerce; and

Whereas petitions have been received from the Cigar Manufacturers' Association of America, Inc., from the Bayuk Cigar Company, Inc., and from numerous employers in the industry requesting that regulations be issued to govern the employment of learners in the Cigar Industry; and

Whereas § 522.4, Part 522, of the regulations issued pursuant to section 14 of the Fair Labor Standards Act of 1938, provides for the holding of public hearings to determine the conditions under which special learner certificates may be issued in an industry or branch thereof

Now, therefore, notice is hereby given that a public hearing will be held at 165 West 46th Street, New York City, beginning at 10:00 a. m., April 26, 1943, before Merle D. Vincent, Director of the Exemptions Branch of the Wage and Hour Division, hereby duly authorized to determine the need for the employment of learners at subminimum wage rates in order to prevent curtailment of opportunities for employment within the Cigar Industry, to determine the occupation or occupations, if any, which require a learning period, to determine under what limitations as to wages, time, number, proportion and length of service, special certificates authorizing the employment of learners at subminimum wage rates may be issued, and to recommend regulations governing such employment at subminimum wage rates in the Cigar Industry.

All interested parties wishing to appear at this hearing may do so by filing with the Presiding Officer a notice of intention to appear and the approximate time required for presentation of evidence prior to April 24, 1943. Any interested person unable to make personal appearance may file a brief or statement which will be considered if received on or before April 24, 1943.

Signed at New York, New York, this 10th day of April 1943.

L. METCALFE WALLING,  
Administrator.

[F. R. Doc. 43-5696; Filed, April 12, 1943; 9:33 a. m.]

#### FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6487]

PARKER BROTHERS & Co., INC. (WDUG)

##### ORDER GRANTING HEARING

The Commission having under consideration its minute of January 26, 1943, designating the above-entitled application for hearing and the issues set forth in its Notice dated February 8, 1943, designating the application for hearing:

*It is ordered*, This 9th day of April, 1943, that the application be, and it is hereby, assigned for hearing on May 11, 1943 at Houston, Texas.

*It is further ordered*, That the issues specified in the Notice dated February 8, 1943, designating the application for hearing be, and the same are hereby, broadened to include the following, in addition to the issues set forth in said notice:

Whether, in the light of the evidence adduced upon the issues set forth in the Commission's Notice dated February 8, 1943, public interest, convenience or necessity would be served by a grant of the application herein.

To determine whether the needs of the applicant for communication service can be served by other available communication services.

By the Commission, Paul A. Walker, Commissioner.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 43-5721; Filed, April 12, 1943; 11:59 a. m.]

[Docket No. 6489]

W. A. WANSLEY, (WOAF)

##### ORDER GRANTING HEARING

The Commission having under consideration its minute of February 16, 1943, designating the above-entitled application for hearing, and the issues set forth in its Notice dated February 18, 1943, designating the application for hearing:

*It is ordered*, This 9th day of April, 1943, that the application be, and it is hereby, assigned for hearing on May 11, 1943, at Houston, Texas;

*It is further ordered*, That the issues specified in the Notice dated February 18, 1943, designating the application for hearing be, and the same are hereby, broadened to include the following in addition to the issues set forth in said notice:

To determine whether the needs of the applicant for communication service can be served by other available communication services.

By the Commission, Paul A. Walker, Commissioner.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 43-5722; Filed, April 12, 1943; 11:59 a. m.]

## OFFICE OF DEFENSE TRANSPORTATION.

## COMMON CARRIERS OF PROPERTY BY MOTOR VEHICLE

## RECOMMENDATION FOR JOINT ACTION PLANS

In order to assure maximum utilization of the facilities, services, and equipment of common carriers by motor vehicle for the preferential transportation of materials of war and to prevent shortages in motor vehicle equipment necessary for such transportation, as contemplated by section 6 (8) of the Interstate Commerce Act; to conserve and providently utilize vital equipment, materials, and supplies; and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, the Office of Defense Transportation, by General Order ODT 3, Revised, as amended, (7 F.R. 5445, 6689, 7694, 8 F.R. 4660), authorizes common carriers of property by motor vehicle to formulate and submit for consideration plans for joint action designed to accomplish any of the above stated purposes by one or more of the following methods:

- (a) Alternate or stagger motor truck schedules between two or more points;
- (b) Reciprocally exchange shipments of property between two or more points;
- (c) Pool traffic, revenues, or both, between two or more points;
- (d) Jointly load for transportation or operate a motor truck or trucks between two or more points;
- (e) Divert traffic, operate joint terminals or joint pick-up or delivery vehicles;
- (f) Establish arrangements with other carriers for the interchange of equipment;

(g) Appoint one of their own number or any other carrier to act as its or their individual, common, or joint agent, to concentrate, receive, load, forward, unload, distribute, and deliver property; receive, account for, and distribute gross or net revenues therefrom, or otherwise handle or conduct the carrier's business as common carriers of property upon just and reasonable terms and conditions: *Provided*, That General Order ODT 3, Revised, as amended, shall not be construed to authorize any common carrier or carriers to operate in any of the methods described above unless directed so to do by the Office of Defense Transportation or unless pursuant to a contract, agreement or combination approved by the Interstate Commerce Commission or a State regulatory body.

If the Office of Defense Transportation determines that any such plan will contribute substantially to the accomplishment of the purposes above stated, the Office of Defense Transportation orders common carriers submitting any such joint action plan to place that plan in operation. The order is confined to one or more of the specific methods above enumerated, and expressly provides that all contractual arrangements made by the carriers to effectuate the joint plan shall not extend beyond the effective period of the order.

It is recommended that the Chairman of the War Production Board find and

certify under section 12, Public Law No. 603, 77th Congress (56 Stat. L. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with any such order is requisite to the prosecution of the war.

Issued at Washington, D. C., this 8th day of April 1943.

JOSEPH B. EASTMAN,  
Director.

[F. R. Doc. 43-5656; Filed, April 10, 1943;  
11:46 a. m.]

## OFFICE OF PRICE ADMINISTRATION.

[Order 2 Under MPR 112]

HADDOK MINING COMPANY  
ORDER GRANTING ADJUSTMENT

Order No. 2 under Maximum Price Regulation No. 112—Pennsylvania Anthracite; Docket No. 3112-12.

For the reasons set forth in an opinion issued simultaneously herewith, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.197 (a) of Maximum Price Regulation No. 112, *It is ordered*:

(a) Anthracite coal produced by Haddock Mining Company at the Salem Hill Colliery, Schuylkill County, near Pottsville, Pennsylvania, may be sold and purchased at prices no higher than those set forth below for the respective size groups f. o. b. transportation facilities at the mine, or preparation plant operated as an adjunct of the mine or ground storage facility from which delivery is made:

| Size:               | Maximum price<br>(per net ton) |
|---------------------|--------------------------------|
| Egg and stove       | \$8.00                         |
| Nut                 | 7.60                           |
| Brooder nut         | 7.85                           |
| Pea                 | 6.00                           |
| Rice (Buckwheat #2) | 3.45                           |

(b) The maximum prices set forth in paragraph (a) above shall be the maximum prices for the anthracite size groups therein stated for so long as the present quality and preparation standards are

| Producer                        | Style No.               | Finished description             | Cents per yard |
|---------------------------------|-------------------------|----------------------------------|----------------|
| Pilot Mills Co., Raleigh, N. C. | 600 twill plaid suiting | 35" to 36", 59 x 50, 3.50 shrunk | 27.50          |

(b) The maximum price set forth in paragraph (a) shall apply f. o. b. Taylors, South Carolina and shall be net 10 days.

(c) The maximum price set forth in paragraph (a) is for a fabric made in accordance with the construction details on file with the Office of Price Administration for the particular style number.

(d) The maximum price set forth in paragraph (a) may be used by the producer as a base price from which to determine "in line" maximum prices for related types, styles and constructions of cotton products which cannot otherwise be priced under § 1400.101 of Maximum Price Regulation No. 118. If any

maintained; and further, the adjusted maximum price for "Brooder nut" size stated in paragraph (a) above shall constitute the maximum price only if such coal meets the following specifications: it shall be sized through a 1 $\frac{1}{8}$ " and over a 1 $\frac{3}{16}$ " test mesh with maximum oversize of 2% and undersize of 3%; float and sink test shall not exceed 5% sink on a 1.7 gravity;

(c) Within thirty days from the effective date of this order, the said Haddock Mining Company shall notify all persons purchasing coals produced at the Salem Hill Colliery of the adjustments granted in paragraph (a) of this order and shall include a statement that if the purchaser is subject to Revised Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted in this order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Revised Maximum Price Regulation No. 122;

(d) This Order No. 2 may be revoked or amended by the Price Administrator at any time;

(e) Unless the context otherwise requires, the definitions set forth in § 1340.198 of Maximum Price Regulation No. 112 shall apply to the terms used herein;

(f) This Order No. 2 shall become effective April 10, 1943.

Issued this 9th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5623; Filed, April 9, 1943;  
3:39 p. m.]

[Order 4 Under MPR 118]

## PILOT MILLS CO.

## AUTHORIZATION OF MAXIMUM PRICE

Order No. 4 under § 1400.101 (b) (1) (iii) of Maximum Price Regulation No. 118—Cotton Products. Order authorizing maximum price for cotton product.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is ordered*:

(a) The maximum price for the following cotton product shall be:

such determinations are made, the producer shall submit an appropriate report as required by the regulation.

(e) This Order No. 4 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 4 shall become effective on this 10th day of April, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5624; Filed, April 9, 1943;  
3:40 p. m.]

[Revocation of Order 18 Under MPR 122]

T. A. D. JONES AND COMPANY

## ORDER OF REVOCATION

Order No. 19 under Maximum Price Regulation No. 122—Solid Fuels Sold and Delivered from Facilities other than Producing Facilities—Dealers; Docket No. 3122-174.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Order No. 18 under Maximum Price Regulation No. 122 granting adjustable pricing permission to T. A. D. Jones and Company is hereby revoked.

Issued and effective this 9th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5625; Filed, April 9, 1943;  
3:39 p. m.]

[Order 250 Under MPR 188]

## WILLS QUARRY

## AUTHORIZATION OF MAXIMUM PRICE

Order No. 250 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is hereby ordered:*

(a) Wills Quarry, Robbs, Illinois is authorized to sell and deliver crushed limestone (larger than agricultural limestone) at prices no higher than \$1.40 per ton, f. o. b. quarry.

(b) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective April 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5626; Filed, April 9, 1943;  
3:37 p. m.]

[Order 251 Under MPR 188]

## FITZGIBBONS BOILER COMPANY, INC.

## AUTHORIZATION OF MAXIMUM PRICES

Order No. 251 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and pur-

suant to § 1499.158 of Maximum Price Regulation No. 188, *It is hereby ordered, That:*

(a) This Order No. 251 establishes maximum prices for sales of new Fitzgibbons grate assemblies manufactured by Fitzgibbons Boiler Company, Inc., New York, New York. The order applies only to the Fitzgibbons grate assemblies which have been described in applications submitted by the manufacturer to the Office of Price Administration.

(b) There are set forth below the maximum prices for sales of Fitzgibbons grate assemblies in wooden crates by the manufacturer (Fitzgibbons Boiler Company, Inc.) to jobbers, retailers, and consumers; sales by jobbers to retailers and consumers; sales by retailers to consumers.

| Boiler numbers | Manufacturer to jobber price | Manufacturer to retailer price | Jobber to retailer price | Price to consumer |
|----------------|------------------------------|--------------------------------|--------------------------|-------------------|
| 1320           | \$26.45                      | \$34.60                        | \$34.60                  | \$42.75           |
| OE4            |                              |                                |                          |                   |
| OE5            |                              |                                |                          |                   |
| 1400           | 28.70                        | 37.60                          | 37.60                    | 46.50             |
| OE6            |                              |                                |                          |                   |
| OE7            |                              |                                |                          |                   |
| 1401           | 34.70                        | 45.60                          | 45.60                    | 56.50             |
| OE9            |                              |                                |                          |                   |
| OE11           |                              |                                |                          |                   |
| 1403           | 40.40                        | 53.20                          | 53.20                    | 64.00             |
| OE13           |                              |                                |                          |                   |
| OE15           |                              |                                |                          |                   |
| 1408           | 25.70                        | 33.60                          | 33.60                    | 41.50             |
| OE18           |                              |                                |                          |                   |
| OE20           |                              |                                |                          |                   |
| 1402           | 28.70                        | 37.60                          | 37.60                    | 46.50             |
| OE24           |                              |                                |                          |                   |
| OE26           |                              |                                |                          |                   |

<sup>1</sup> Include base, grates, ash pit door and frame, grate ring, lifting jack, check draft, firing tools and installation instructions.

<sup>2</sup> Include grates, ash pit door and frame, grate ring, check draft, firing tools and installation instructions.

## (c) Transportation charges.

(1) All sales of grate assemblies by Fitzgibbons Boiler Company, Inc., are f. o. b. Oswego, New York, regardless of purchaser or destination.

(2) On sales by jobbers, if the shipment is routed through the jobber's warehouse, he may add to the maximum price set forth in paragraph (b) above the actual transportation costs incurred in securing the grate assembly from the manufacturer's plant. If during the month of March 1942 the jobber made free deliveries of comparable articles in similar sales, he must continue such free deliveries; otherwise, he may add the delivery charges which he made in March 1942 for such delivery. If the shipment originates at the manufacturer's plant, the jobber may add the actual transportation costs from the manufacturer's plant to the destination. The jobber must, however, state the actual transportation charges and delivery costs separately upon the invoice rendered to the purchaser.

(3) Retailers may add to the maximum prices set forth in paragraph (b), above, the actual transportation costs incurred in securing the grate assembly directly from either manufacturer or jobber. If during the month of March 1942 the retailer made free deliveries of comparable articles in similar sales, he must continue such free deliveries; otherwise, he may add the delivery charges which he made in March 1942

for such delivery. The retailer must, however, state the actual transportation charges and delivery costs separately upon the invoice rendered to the purchaser.

(d) All cash discounts granted by Fitzgibbons Boiler Company, Inc., or any jobber or retailer for sales of comparable articles in similar sales shall be allowed to the same extent as in March 1942.

(e) Fitzgibbons Boiler Company, Inc., shall advise each of its customers of the maximum prices established under paragraphs (b) and (c) herein, together with the manner in which jobbers and retailers shall determine their respective maximum prices and shall mail to all jobbers and retailers a notice reading as follows:

The Office of Price Administration has authorized Fitzgibbons Boiler Company, Inc., to manufacture and sell in wooden crates Fitzgibbons grate assemblies, f. o. b. Oswego, New York. Fitzgibbons Boiler Company, Inc., is instructed to advise its jobbers and retailers that they are to determine their respective maximum prices for these items by applying the provisions of paragraphs (b) and (c) of Order No. 251 under Maximum Price Regulation No. 188, issued by the Office of Price Administration. All cash discounts allowed by any jobber or retailer during the month of March for comparable articles and similar sales shall be allowed to the same extent as in March 1942.

If you are a jobber, you are required to send a copy of this notice to any retailer to whom you sell Fitzgibbons grate assemblies.

(f) Fitzgibbons Boiler Company, Inc., shall submit to the Office of Price Administration such reports as it may from time to time require.

(b) This Order No. 251 may be revoked or amended by the Price Administrator at any time.

This order shall become effective April 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5627; Filed, April 9, 1943;  
3:37 p. m.]

[Order 252 Under MPR 188]

## OWENS-ILLINOIS GLASS COMPANY

## AUTHORIZATION OF MAXIMUM PRICES

Order No. 252 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 1499.158 of Maximum Price Regulation No. 188, *It is hereby ordered:*

(a) The Owens-Illinois Glass Company, Chicago, Illinois, is hereby authorized to sell, deliver and offer for sale, and all persons are authorized to buy and receive from it in the course of trade, hydrous calcium silicate pipe and block insulating material manufac-

tured by the Owens-Illinois Glass Company at the prices, discounts, allowances and terms and with the practices set forth below.

(b) The sales prices set forth below are established for two zones in the Continental United States, as follows:

(1) The United States east of the 105th meridian and including the city of Denver, Colorado, shall constitute Zone 1.

(2) The United States west of the 105th meridian and not including the city of Denver, Colorado, shall constitute Zone 2.

(c) For the purpose of selling hydrous calcium silicate insulation, the following shipping conditions shall prevail:

(1) A carload shall consist of any one of the following:

(i) A shipment valued at \$5,000 or more of pipe covering and blocks at the list prices set forth herein; or

(ii) A shipment of not less than 30,000 pounds of pipe covering, blocks and/or cement; or

(iii) A combination of any or all of the preceding which fills a railroad box car to its full visible capacity; but

(iv) Carload discounts, as set forth in paragraph (i) below, shall apply only if the total of all materials shipped amounts to not less than a carload and where the materials are shipped and billed at one time to one customer and to one destination.

(2) Any shipment other than a carload shipment as defined above may be considered as a less than carload shipment.

(d) The following shall be the maximum prices, f. o. b. factory shipping point, with full freight allowed to destination (except that on railroad purchases, freight allowance need not exceed the actual freight to the point at which the material is delivered to the purchasing railroad) all subject to the maximum limits on shipping allowances set forth in paragraph (g) below and subject further to the discounts set forth in paragraph (i) below and to the allowances and discount for prompt payment provided for in paragraph (e) below:

(1) Blocks and sheets—list prices as set forth in paragraph (h) below.

(2) Pipe covering—list prices as set forth in paragraph (h) below.

(3) Insulating cement—net prices as shown on discount sheet in paragraph (h) below.

(4) Accessories—the prices for accessories sold in conjunction with pipe covering shall be determined by deducting the appropriate percentages shown in paragraph (j) below from the discounts given on the pipe covering for which the accessories are furnished, as set forth in paragraph (h) below;

(e) The prices set forth below are subject to the following deductions:

(1) The maximum prices set forth above shall be subject to a discount of 2% for payment within 10 days of the date of invoice, computed on the net

amount of the invoice after the deduction of transportation charges, except that the discount to the United States Government, to State, County and Municipal governments and their political subdivisions shall instead be 1% for payment by the 10th day of the month following the date of invoice.

(2) On returned goods, the following rules shall apply:

(i) An error in shipment by the Owens-Illinois Glass Company must be rectified by allowing full credit to the purchaser, including freight both ways:

(ii) An error by the purchaser may be rectified by the Owens-Illinois Glass Company's acceptance of the returned goods at the purchaser price less 10%, with the buyer to pay freight both ways and the returned goods to be in good condition and in the original containers.

(f) The maximum prices set forth herein will include the following packaging:

(1) Pipe covering and blocks shall be packed in crates, cases and cartons, but no allowance is required to be made by the Owens-Illinois Glass Company when such packaging is omitted at the request of the purchaser.

(2) Cement will be packed in bags or barrels.

(g) The maximum prices set forth herein shall include at least the following freight allowances:

(1) The freight allowance specified in paragraph (d) above need not exceed the following amounts:

(i) For carload shipments to destinations in zone 1, \$2.00 per cwt.

(ii) For less than carload shipments to destinations in zone 1, \$3.50 per cwt.

(iii) For carload shipments to destinations within zone 2, \$2.00 per cwt.

(iv) For less than carload shipments to destinations within zone 2, \$4.50 per cwt.

(2) Such freight allowance need not, however, exceed in any case the actual freight to the point at which the material is delivered to the purchaser when the purchaser is a railroad.

(3) No freight allowance is required to be made when the purchaser picks up the material at the producing factory.

(4) The limits set forth in this paragraph on freight allowance shall apply also when shipment is made by means more costly than freight. When such purchases are made, allowances of freight charges only on such a shipment shall be made by the Owens-Illinois Glass Company, subject to the limitations set forth in paragraph (g) herein.

(h) List prices.

#### INSULATING BLOCKS AND SHEETS

| Thickness | Price per square foot | Thickness | Price per square foot | Thickness | Price per square foot | Thickness | Price per square foot |
|-----------|-----------------------|-----------|-----------------------|-----------|-----------------------|-----------|-----------------------|
| Inch      |                       | Inch      |                       | Inch      |                       | Inch      |                       |
| 1         | \$0.30                | 1 1/4     | \$0.53                | 2 1/4     | \$0.75                | 3 1/4     | \$0.88                |
| 1 1/4     | .38                   | 2         | .60                   | 2 3/4     | .83                   | 3 3/4     | 1.05                  |
| 1 1/2     | .45                   | 2 1/4     | .68                   | 3         | .90                   | 4         | 1.20                  |

#### PIPE COVERING

| Nominal pipe sizes (inches) | Standard thickness    | 1 1/4 in. thickness   | 2 inch thickness      | Double standard thickness | 2 1/4 in. thickness   | 3 inch thickness      | Standard thickness | Double standard thickness |
|-----------------------------|-----------------------|-----------------------|-----------------------|---------------------------|-----------------------|-----------------------|--------------------|---------------------------|
|                             | Price per lineal foot | Price per lineal foot | Price per lineal foot | Price per lineal foot     | Price per lineal foot | Price per lineal foot | Inches             | Inches                    |
| 1/4                         | \$0.22                | \$0.46                | \$0.75                | \$0.65                    | \$1.00                | \$1.20                | 3/4                | 1 1/4                     |
| 3/4                         | .24                   | .49                   | .80                   | .70                       | 1.05                  | 1.35                  | 7/8                | 1 1/2                     |
| 1                           | .27                   | .52                   | .85                   | .75                       | 1.10                  | 1.40                  | 1                  | 1 3/4                     |
| 1 1/4                       | .30                   | .56                   | .90                   | .80                       | 1.15                  | 1.45                  | 1 1/4              | 2                         |
| 1 1/2                       | .33                   | .60                   | .95                   | .85                       | 1.20                  | 1.55                  | 1 1/2              | 2 1/4                     |
| 2                           | .36                   | .64                   | 1.00                  | .90                       | 1.25                  | 1.65                  | 1 3/4              | 2 1/2                     |
| 2 1/4                       | .38                   | .67                   | 1.05                  | 1.00                      | 1.35                  | 1.75                  | 1 3/4              | 2 3/4                     |
| 2 1/2                       | .40                   | .70                   | 1.10                  | 1.10                      | 1.50                  | 1.90                  | 1 3/4              | 2 3/4                     |
| 3                           | .42                   | .72                   | 1.15                  | 1.20                      | 1.65                  | 2.05                  | 1 3/4              | 2 3/4                     |
| 3 1/4                       | .45                   | .76                   | 1.20                  | 1.40                      | 1.80                  | 2.20                  | 1 3/4              | 2 3/4                     |
| 3 1/2                       | .48                   | .80                   | 1.25                  | 1.50                      | 1.95                  | 2.35                  | 1 3/4              | 2 3/4                     |
| 4                           | .50                   | .82                   | 1.30                  | 1.60                      | 2.10                  | 2.50                  | 1 3/4              | 2 3/4                     |
| 4 1/2                       | .53                   | .86                   | 1.35                  | 1.80                      | 2.25                  | 2.70                  | 1 3/4              | 2 3/4                     |
| 5                           | .55                   | .88                   | 1.40                  | 2.00                      | 2.40                  | 2.90                  | 1 3/4              | 2 3/4                     |
| 5 1/2                       | .58                   | .92                   | 1.45                  | 2.20                      | 2.55                  | 3.15                  | 1 3/4              | 2 3/4                     |
| 6                           | .60                   | .94                   | 1.50                  | 2.40                      | 2.70                  | 3.40                  | 1 3/4              | 2 3/4                     |
| 6 1/2                       | .63                   | .98                   | 1.55                  | 2.60                      | 2.85                  | 3.65                  | 1 3/4              | 2 3/4                     |
| 7                           | .65                   | 1.00                  | 1.60                  | 2.80                      | 3.00                  | 3.90                  | 1 3/4              | 2 3/4                     |
| 7 1/2                       | .68                   | 1.04                  | 1.65                  | 3.00                      | 3.15                  | 4.10                  | 1 3/4              | 2 3/4                     |
| 8                           | .70                   | 1.06                  | 1.70                  | 3.20                      | 3.30                  | 4.30                  | 1 3/4              | 2 3/4                     |
| 8 1/2                       | .73                   | 1.09                  | 1.75                  | 3.40                      | 3.45                  | 4.50                  | 1 3/4              | 2 3/4                     |
| 9                           | .75                   | 1.11                  | 1.80                  | 3.60                      | 3.60                  | 4.70                  | 1 3/4              | 2 3/4                     |
| 9 1/2                       | .78                   | 1.14                  | 1.85                  | 3.80                      | 3.75                  | 4.90                  | 1 3/4              | 2 3/4                     |
| 10                          | .80                   | 1.16                  | 1.90                  | 4.00                      | 3.90                  | 5.10                  | 1 3/4              | 2 3/4                     |
| 10 1/2                      | .83                   | 1.19                  | 1.95                  | 4.20                      | 4.05                  | 5.30                  | 1 3/4              | 2 3/4                     |
| 11                          | .85                   | 1.21                  | 2.00                  | 4.40                      | 4.20                  | 5.50                  | 1 3/4              | 2 3/4                     |
| 11 1/2                      | .88                   | 1.24                  | 2.05                  | 4.60                      | 4.35                  | 5.70                  | 1 3/4              | 2 3/4                     |
| 12                          | .90                   | 1.26                  | 2.10                  | 4.80                      | 4.50                  | 5.90                  | 1 3/4              | 2 3/4                     |
| 12 1/2                      | .93                   | 1.29                  | 2.15                  | 5.00                      | 4.65                  | 6.10                  | 1 3/4              | 2 3/4                     |
| 13                          | .95                   | 1.31                  | 2.20                  | 5.20                      | 4.80                  | 6.30                  | 1 3/4              | 2 3/4                     |
| 13 1/2                      | .98                   | 1.34                  | 2.25                  | 5.40                      | 4.95                  | 6.50                  | 1 3/4              | 2 3/4                     |
| 14                          | 1.00                  | 1.36                  | 2.30                  | 5.60                      | 5.10                  | 6.70                  | 1 3/4              | 2 3/4                     |
| 14 1/2                      | 1.03                  | 1.39                  | 2.35                  | 5.80                      | 5.25                  | 6.90                  | 1 3/4              | 2 3/4                     |
| 15                          | 1.05                  | 1.41                  | 2.40                  | 6.00                      | 5.40                  | 7.10                  | 1 3/4              | 2 3/4                     |
| 15 1/2                      | 1.08                  | 1.44                  | 2.45                  | 6.20                      | 5.55                  | 7.30                  | 1 3/4              | 2 3/4                     |
| 16                          | 1.10                  | 1.46                  | 2.50                  | 6.40                      | 5.70                  | 7.50                  | 1 3/4              | 2 3/4                     |
| 16 1/2                      | 1.13                  | 1.49                  | 2.55                  | 6.60                      | 5.85                  | 7.70                  | 1 3/4              | 2 3/4                     |
| 17                          | 1.15                  | 1.51                  | 2.60                  | 6.80                      | 6.00                  | 7.90                  | 1 3/4              | 2 3/4                     |
| 17 1/2                      | 1.18                  | 1.54                  | 2.65                  | 7.00                      | 6.15                  | 8.10                  | 1 3/4              | 2 3/4                     |
| 18                          | 1.20                  | 1.56                  | 2.70                  | 7.20                      | 6.30                  | 8.30                  | 1 3/4              | 2 3/4                     |
| 18 1/2                      | 1.23                  | 1.59                  | 2.75                  | 7.40                      | 6.45                  | 8.50                  | 1 3/4              | 2 3/4                     |
| 19                          | 1.25                  | 1.61                  | 2.80                  | 7.60                      | 6.60                  | 8.70                  | 1 3/4              | 2 3/4                     |
| 19 1/2                      | 1.28                  | 1.64                  | 2.85                  | 7.80                      | 6.75                  | 8.90                  | 1 3/4              | 2 3/4                     |
| 20                          | 1.30                  | 1.66                  | 2.90                  | 8.00                      | 6.90                  | 9.10                  | 1 3/4              | 2 3/4                     |
| 20 1/2                      | 1.33                  | 1.69                  | 2.95                  | 8.20                      | 7.05                  | 9.30                  | 1 3/4              | 2 3/4                     |
| 21                          | 1.35                  | 1.71                  | 3.00                  | 8.40                      | 7.20                  | 9.50                  | 1 3/4              | 2 3/4                     |
| 21 1/2                      | 1.38                  | 1.74                  | 3.05                  | 8.60                      | 7.35                  | 9.70                  | 1 3/4              | 2 3/4                     |
| 22                          | 1.40                  | 1.76                  | 3.10                  | 8.80                      | 7.50                  | 9.90                  | 1 3/4              | 2 3/4                     |
| 22 1/2                      | 1.43                  | 1.79                  | 3.15                  | 9.00                      | 7.65                  | 10.10                 | 1 3/4              | 2 3/4                     |
| 23                          | 1.45                  | 1.81                  | 3.20                  | 9.20                      | 7.80                  | 10.30                 | 1 3/4              | 2 3/4                     |
| 23 1/2                      | 1.48                  | 1.84                  | 3.25                  | 9.40                      | 7.95                  | 10.50                 | 1 3/4              | 2 3/4                     |
| 24                          | 1.50                  | 1.86                  | 3.30                  | 9.60                      | 8.10                  | 10.70                 | 1 3/4              | 2 3/4                     |
| 24 1/2                      | 1.53                  | 1.89                  | 3.35                  | 9.80                      | 8.25                  | 10.90                 | 1 3/4              | 2 3/4                     |
| 25                          | 1.55                  | 1.91                  | 3.40                  | 10.00                     | 8.40                  | 11.10                 | 1 3/4              | 2 3/4                     |
| 25 1/2                      | 1.58                  | 1.94                  | 3.45                  | 10.20                     | 8.55                  | 11.30                 | 1 3/4              | 2 3/4                     |
| 26                          | 1.60                  | 1.96                  | 3.50                  | 10.40                     | 8.70                  | 11.50                 | 1 3/4              | 2 3/4                     |
| 26 1/2                      | 1.63                  | 1.99                  | 3.55                  | 10.60                     | 8.85                  | 11.70                 | 1 3/4              | 2 3/4                     |
| 27                          | 1.65                  | 2.01                  | 3.60                  | 10.80                     | 9.00                  | 11.90                 | 1 3/4              | 2 3/4                     |
| 27 1/2                      | 1.68                  | 2.04                  | 3.65                  | 11.00                     | 9.15                  | 12.10                 | 1 3/4              | 2 3/4                     |
| 28                          | 1.70                  | 2.06                  | 3.70                  | 11.20                     | 9.30                  | 12.30                 | 1 3/4              | 2 3/4                     |
| 28 1/2                      | 1.73                  | 2.09                  | 3.75                  | 11.40                     | 9.45                  | 12.50                 | 1 3/4              | 2 3/4                     |
| 29                          | 1.75                  | 2.11                  | 3.80                  | 11.60                     | 9.60                  | 12.70                 | 1 3/4              | 2 3/4                     |
| 29 1/2                      | 1.78                  | 2.14                  | 3.85                  | 11.80                     | 9.75                  | 12.90                 | 1 3/4              | 2 3/4                     |
| 30                          | 1.80                  | 2.16                  | 3.90                  | 12.00                     | 9.90                  | 13.10                 | 1 3/4              | 2 3/4                     |
| 30 1/2                      | 1.83                  | 2.19                  | 3.95                  | 12.20                     | 10.05                 | 13.30                 | 1 3/4              | 2 3/4                     |
| 31                          | 1.85                  | 2.21                  | 4.00                  | 12.40                     | 10.20                 | 13.50                 | 1 3/4              | 2 3/4                     |
| 31 1/2                      | 1.88                  | 2.24                  | 4.05                  | 12.60                     | 10.35                 | 13.70                 | 1 3/4              | 2 3/4                     |
| 32                          | 1.90                  | 2.26                  | 4.10                  | 12.80                     | 10.50                 | 13.90                 | 1 3/4              | 2 3/4                     |
| 32 1/2                      | 1.93                  | 2.29                  | 4.15                  | 13.00                     | 10.65                 | 14.10                 | 1 3/4              | 2 3/4                     |
| 33                          | 1.95                  | 2.31                  | 4.20                  | 13.20                     | 10.80                 | 14.30                 | 1 3/4              | 2 3/4                     |

Standard accessories: 3.8-oz. canvas and 2 1/4" black japanned or gold lacquered steel bands per section of covering for pipe sizes 11" and smaller. No canvas or bands for sizes 12" and larger

## (i) Discounts—(1) Heat insulating block, sheets and pipe covering, and insulating cement for delivery in Zone 1.

## INSULATING MATERIALS FOR TEMPERATURES UP TO 500° F.

| Classes of buyers  | Dealers, jobbers and insulation contractors |        | United States Government |        | Industrial buyers who enter into contracts for heat insulating materials; Railroads |        | Distributors |        | State, county and municipal governments and their political subdivisions; All other classes of purchasers not listed in this table |        |
|--|---|--------|--------------------------|--------|---|--------|--------------|--------|--|--------|
|  | CL  | LCL    | CL                       | LCL    | CL  | LCL    | CL           | LCL    | CL   | LCL    |
| Percentage discounts off list price: Insulating blocks, sheets, lagging and pipe covering..... | 54  | 50     | 54                       | 52     | 52  | 50     | 50           | 58     | 49   | 45     |
| Prices: Insulating cement in bags, per cwt.....  | \$7.00                                      | \$7.20 | \$7.00                   | \$7.20 | \$7.20  | \$7.40 | \$6.00       | \$6.17 | \$7.70   | \$8.10 |

## INSULATING MATERIALS FOR TEMPERATURES ABOVE 500° F.

| Classes of buyers  | Dealers, jobbers and insulation contractors |        | United States Government |        | Industrial buyers who enter into contracts for heat insulating materials; Railroads |        | Distributors |        | State, county and municipal governments and their political subdivisions; All other classes of purchasers not listed in this table |        |
|--|---|--------|--------------------------|--------|---|--------|--------------|--------|--|--------|
|  | CL  | LCL    | CL                       | LCL    | CL  | LCL    | CL           | LCL    | CL   | LCL    |
| Percentage discounts off list price: Insulating blocks, sheets, lagging and pipe covering..... | 45  | 42     | 45                       | 42     | 45  | 42     | 50           | 47     | 45   | 42     |
| Prices: Insulating cement in bags, per cwt.....  | \$7.00                                      | \$7.20 | \$7.00                   | \$7.20 | \$7.20  | \$7.40 | \$6.00       | \$6.17 | \$7.70   | \$8.10 |

## (2) Heat insulating block, sheets and pipe covering, and insulating cement for delivery in Zone 2.

## INSULATING MATERIALS FOR TEMPERATURES UP TO 500° F.

| Classes of buyers   | Dealers, jobbers and insulation contractors |        | United States Government |        | Industrial buyers who enter into contracts for heat insulating materials; Railroads |        | Distributors |        | State, county and municipal governments and their political subdivisions; All other classes of purchasers not listed in this table |         |
|---|---|--------|--------------------------|--------|---|--------|--------------|--------|--|---------|
|   | CL  | LCL    | CL                       | LCL    | CL  | LCL    | CL           | LCL    | CL   | LCL     |
| Percentage discounts off list prices: Insulating blocks, sheets, lagging and pipe covering..... | 52  | 43     | 52                       | 49     | 50  | 41     | 58           | 54     | 44   | 33      |
| Prices: Insulating cement in bags, per cwt.....   | \$7.20                                      | \$7.60 | \$7.20                   | \$7.60 | \$7.20  | \$7.60 | \$6.17       | \$6.42 | \$8.40   | \$10.00 |

## INSULATING MATERIALS FOR TEMPERATURES ABOVE 500° F.

| Classes of buyers   | Dealers, jobbers and insulation contractors |        | United States Government |        | Industrial buyers who enter into contracts for heat insulating materials; Railroads |        | Distributors |        | State, county and municipal governments and their political subdivisions; All other classes of purchasers not listed in this table |         |
|---|---|--------|--------------------------|--------|---|--------|--------------|--------|--|---------|
|   | CL  | LCL    | CL                       | LCL    | CL  | LCL    | CL           | LCL    | CL   | LCL     |
| Percentage discounts off list prices: Insulating blocks, sheets, lagging and pipe covering..... | 45  | 38     | 45                       | 38     | 45  | 38     | 50           | 47     | 40   | 25      |
| Prices: Insulating cement in bags, per cwt.....   | \$7.20                                      | \$7.60 | \$7.20                   | \$7.60 | \$7.20  | \$7.60 | \$6.17       | \$6.42 | \$8.40   | \$10.00 |

## (j) Accessories.

NOTE: The following tables show extra charges which may be made in all cases where covering is sold with accessories other than those specified as Standard. Refer to tables below for extra charge which must be deducted from discount to arrive at proper maximum price.

| Accessories  | Extra charge—deduct from percentage discount  |                                   |
|--|---|-----------------------------------|
|  | For pipe sizes 11 in. and smaller   | For pipe sizes larger than 11 in. |
| Canvas:  |   |                                   |
| 3.80 or 4 oz.....  | No deduction  | 2                                 |
| 5 oz.....  |   | 4                                 |
| 6 oz.....  |   | 5                                 |
| 7 oz.....  |   | 5                                 |
| 8 oz.....  |   | 6                                 |
| 10 oz.....   |   | 7                                 |
| 12 oz.....   |   | 8                                 |
| Bands—black or gold lacquered steel:   |   |                                   |
| Up to 2½ per section of covering.....  | No deduction  | 1                                 |
| Over 2½ up to and including 5 per section of covering.....                                     | 1   | 2                                 |
| Over 5 up to and including 7½ per section of covering.....                                     | 2   | 3                                 |
| Over 7½ per section of covering.....   |   |                                   |
|  | Base calculation on figures above. Deduct one point of discount for each additional ½ band (or fraction thereof) per section of covering. |                                   |
| Bands—brass (solid):   |   |                                   |
| 2½ per section.....  | 5   | 6                                 |
| 3 per section.....   | 6   | 7                                 |
| 3½ per section.....  | 7   | 8                                 |
| Over 3½ per section.....   |   |                                   |
|  | Base calculation on figures above. Deduct one point of discount for each additional ½ band (or fraction thereof) per section of covering. |                                   |
| Waterproof (roofing) jackets (cut to size and/or affixed to covering at factory).              | 8   | 11                                |
|  | (Does not include canvas or bands. If canvas and bands required add 3 points of discount, making extra charge 11 points of discount)      |                                   |
| Rosin sized paper jackets (furnished from factory, cut to size or integral with covering)..... | 5   | 6                                 |

(k) The provisions of this order are subject to both of the following conditions:

(1) That the Owens-Illinois Glass Company notify the Office of Price Administration, within five days after the company begins to produce hydrous calcium silicate insulation in any plant other than the present pilot plant operated by the company, that such new production facilities are being used; and

(2) That the Owens-Illinois Glass Company shall submit such reports to the Office of Price Administration, with respect to costs at the new plant or at the pilot plant, or with respect to any other information, as the Office of Price Administration shall require.

(l) All prayers in the petition not specifically granted in this order are hereby denied.

(m) This Order No. 252 may be revoked or amended by the Administrator at any time.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued and effective this 9th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5628; Filed, April 9, 1943;  
3:40 p. m.]

[Correction to Order 61 Under MPR 120]

#### CUSTER COAL CO.

##### ORDER GRANTING ADJUSTMENT

Correction to Order No. 61 under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant; Docket No. 3120-96.

The reference to Size Group 8 in paragraph (b) of Order No. 61 under Maximum Price Regulation No. 120 and in the opinion accompanying that order is corrected to read Size Group 7.

This correction to Order No. 61 shall be effective as of October 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5658; Filed, April 10, 1943;  
12:07 p. m.]

[Order 183 Under MPR 120]

#### JOHN M. HIRST & COMPANY

##### ORDER GRANTING ADJUSTMENT

Order No. 183 under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant; Docket No. 3120-346.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order 9250, and in accordance with § 1340.207 (d) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Coal in Size Group 6 produced by John M. Hirst and Company, Cleveland, Ohio, at its Sterling Mine, Mine Index No. 132, in District No. 4, may be sold and purchased for truck or wagon shipment at prices not to exceed \$2.85 per net ton f. o. b. the mine;

(b) Within thirty (30) days from the effective date of this order, the said John M. Hirst and Company shall notify all persons purchasing its coals of the adjustment granted in paragraph (a) of this order, and shall include a statement that if the purchaser is subject to Revised Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted in this order do not authorize

any increases in the purchaser's resale price except in accordance with and subject to the provisions of Revised Maximum Price Regulation No. 122.

(c) This Order No. 183 may be revoked or amended by the Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(e) This Order No. 183 shall become effective April 12th, 1943.

Issued this 10th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5657; Filed, April 10, 1943;  
12:07 p. m.]

[Order 253 Under MPR 188]

#### FURNITURE MANUFACTURERS

##### ESTABLISHMENT OF MAXIMUM PRICES

Order No. 253 under § 1499.159 (b) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act, as amended, and Executive Order No. 9250, *It is ordered:*

(a) *Establishment of f. o. b. factory crated maximum price.* A manufacturer of furniture who has customarily shipped an article of furniture by motor truck and who does not have a maximum f. o. b. factory crated price to a particular class of customer for such article of furniture may determine such a price by deducting from his maximum delivered price to that class of customer the amount of transportation, packing, and crating charges included in such price and adding to the remainder the cost of packing and crating for transportation by rail on the basis of March, 1942, replacement costs.

(b) *Reports.* The manufacturer shall submit to the Office of Price Administration, Washington, D. C., a report prior to first offering the article of furniture for sale at the f. o. b. factory crated maximum price determined in accordance with paragraph (a) hereof. The report shall contain (1) the manufacturer's maximum delivered price for the article with a description of the delivery zone and the class of purchaser to which this price is applicable; (2) a detailed breakdown of the transportation, packing and crating charges on the basis of March, 1942, cost, included in computing such delivered price, with a description of the method of determining such transportation, packing and crating charges, and (3) a detailed breakdown of the cost of packing and crating the article for transportation by rail, computed on the basis of March, 1942, costs. Fifteen days after mailing the report, in the absence of any contrary direction from the Office of Price Administration, the manufacturer

may offer for sale or complete the sale of the article at the price reported. Such price shall be subject to adjustment (not to apply retroactively) at any time by order of the Office of Price Administration.

All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Register Act of 1942.

Issued and effective this 10th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5659; Filed, April 10, 1943;  
12:06 p. m.]

[Order 254 Under MPR 188]

#### MULTICRAFT CORPORATION

##### APPROVAL OF MAXIMUM PRICES

Order No. 254 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of maximum prices for sales by Multicraft Corporation of two furlough bags.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Multicraft Corporation, 571 Eighth Avenue, New York, New York, is authorized to sell and deliver the following soft canvas furlough bags manufactured by it at prices no higher than those set forth below:

|                                   | Per dozen |
|-----------------------------------|-----------|
| 16" soft canvas furlough bag----- | \$17.50   |
| 20" soft canvas furlough bag----- | 19.75     |
| 21" soft canvas furlough bag----- | 22.68     |

This Order No. 254 may be revoked or amended by the Price Administrator at any time.

This Order No. 254 shall become effective on the 12th day of April 1943.

Issued this 10th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5660; Filed, April 10, 1943;  
12:06 a. m.]

[Order 255 Under MPR 188]

#### FURNITURE MANUFACTURERS

##### ESTABLISHMENT OF MAXIMUM PRICES

Order No. 255 under § 1499.159 (b) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) *Optional line pricing and reporting of furniture under § 1499.156 of Maximum Price Regulation No. 188.* The maximum price of any article of furniture which cannot be priced under § 1499.155 and which differs from an article for which a maximum price has already been established, only because of changes necessitated by shortages of materials or parts used in the original article, shall be determined by one of the following two methods:

(1) The maximum price of a changed article may be determined by adjusting the maximum price of the original article through adding or subtracting the increase or decrease in unit direct cost resulting from the changes.

(2) In case the same change is made in a group of comparable articles the manufacturer may at his option select one of the comparable articles and determine the maximum prices of all the comparable articles on the basis of the change in unit direct cost of the article selected. This determination shall be made by computing the change in unit direct cost of the article selected and by adding any increase in unit direct cost of this article to, or subtracting any decrease in the unit direct cost of this article from, the original maximum prices of all the comparable articles. In the case of increases in unit direct costs of all the comparable changed articles, the article to be used as the basis for determining the maximum prices shall be the one in the line of comparable articles in which the change in unit direct cost is smallest; in the case of decreases in unit direct costs of all the comparable articles, the article to be used as the basis for determining the maximum prices shall be the one in the line of comparable articles in which the change in unit direct cost is largest.

In calculating unit direct cost for the original articles, the manufacturer shall compute on the basis of the wage rates, material prices, and operating conditions provided in paragraph (b) of § 1499.157 for comparable articles. In calculating unit direct cost for the changed articles, the manufacturer shall compute on the basis of the wage rates, material prices, and operating conditions provided in Paragraph (b) of § 1499.157 for the article being priced.

(b) *Reports of maximum prices—(1) Maximum price determined under paragraph (a) (1).* In the case of an article of furniture for which a maximum price must be determined under paragraph (a) (1), the manufacturer shall report the maximum price as computed by him to the Office of Price Administration, Washington, D. C., prior to first offering the article for sale. The report shall contain a description of the original and of the changed article, a detailed explanation of the changes made (including any innovation in manufacturing process), the reasons therefor, and details of the computation of the unit direct cost and of the maximum price.

(2) *Maximum prices determined under (a) (2).* In case the same change is

made in a group of comparable articles and the manufacturer elects to price the group under paragraph (a) (2), the manufacturer may report for all (or any) of such comparable articles a description of one of the original articles, a detailed explanation of the changes made (including any innovation in manufacturing process), the reasons therefor, and details of the computation of unit direct costs and of the maximum price. In the case of a decrease in the unit direct cost of the changed articles, the article reported shall be the one in the group of comparable articles in which the unit direct cost change is largest; in the case of an increase in the unit direct cost of the changed articles, the article reported shall be the one in the group of comparable articles in which the unit direct cost change is smallest. The manufacturer shall accompany such report with illustrations (photographs or sketch) of the article submitted as it appeared originally and as changed, and of each of the other comparable articles as they appeared originally and as changed, together with a list of the original and the changed maximum prices of each article.

Fifteen days after mailing the report, in the absence of a contrary direction from the Office of Price Administration, he may offer for sale or complete the sale of the article at the price reported. Such price shall be subject to adjustment (not to apply retroactively) at any time by order of the Office of Price Administration.

(c) This Order No. 255 shall become effective April 12, 1943.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Record Act of 1942.

Issued this 10th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5668; Filed, April 10, 1943;  
12:42 p. m.]

[Order 230 Under MPR 188]

WRIGLEY BROS.

APPROVAL OF MAXIMUM PRICES

Correction

In the sixth line of paragraph (a) of the document appearing on page 4271 of the issue for Saturday, April 3, 1943, the jeep number should be "1263".

[Order 3 Under MPR 208]

BLUEBELL GLOBE MANUFACTURING COMPANY

ORDER GRANTING MAXIMUM PRICES

Correction

In the table appearing on page 4273 of the issue for Saturday, April 3, 1943, the lot numbers of one piece work suits, Denim—8 oz. sanforized blue should be 4402, 6282, 6283.

[Order 83 Under Rev. MPR 148]

DRESSED HOGS AND WHOLESALE PORK CUTS

ARIZONA DESIGNATED AS CRITICAL AREA

Pursuant to § 1364.23 (b) of Revised Maximum Price Regulation No. 148, I find that a critical shortage of meat has occurred in the State of Arizona because of the unavailability of customary sources of supply and because the established maximum prices do not contain a sufficient allowance to cover the cost of transporting meat to that area from other sources of supply. The State of Arizona is hereby designated a critical area, and the Regional Administrator for the VIIIth region, or any District Manager authorized by him, may in writing authorize sellers to charge and receive, for dressed hogs and wholesale pork cuts and processed products sold to buyers in the State of Arizona the actual added cost of transportation in addition to the applicable maximum price. The actual added cost of transportation shall be ascertained by reference to the point from which the meat originates; the distribution point at which the buyer takes actual physical possession of the meat or from which local delivery to the buyer begins; the manner in which and the rate at which the meat is shipped by the seller to such point; and maximum price which the seller could charge on such a sale in the absence of any adjustment; and the difference between the amount allowed for transportation in such maximum price and the transportation expense incurred by the seller.

This designation shall remain in effect to and including June 12, 1943, unless sooner terminated or unless extended by amendment to this order.

This order may be revoked or amended at any time. This order shall become effective April 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5689; Filed, April 10, 1943;  
4:48 p. m.]

[Order 28 Under Rev. MPR 169]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

ARIZONA DESIGNATED AS CRITICAL AREA

Pursuant to § 1364.405 (b) of Revised Maximum Price Regulation No. 169, I find that a critical shortage of meat has occurred in the State of Arizona because of the unavailability of customary sources of supply and because the established maximum prices do not contain a sufficient allowance to cover the cost of transporting meat to that area from other sources of supply. The State of Arizona is hereby designated a critical area, and the Regional Administrator for the VIIIth region, or any District Manager authorized by him, may in writing authorize sellers to charge and re-

ceive, for beef or veal carcasses and wholesale cuts and processed products sold to buyers in the State of Arizona, the actual added cost of transportation in addition to the applicable maximum price. The actual added cost of transportation shall be ascertained by reference to the point from which the meat originates; the distribution point at which the buyer takes actual physical possession of the meat or from which local delivery to the buyer begins; the manner in which and the rate at which the meat is shipped by the seller to such point; the maximum price which the seller could charge on such a sale in the absence of any adjustment; and the difference between the amount allowed for transportation in such maximum price and the transportation expense incurred by the seller.

This designation shall remain in effect to and including June 12, 1943, unless sooner terminated or unless extended by amendment to this order.

This order may be revoked or amended at any time. This order shall become effective April 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5686; Filed, April 10, 1943;  
4:47 p. m.]

[Order 1 Under Rev. MPR 239]

LAMB AND MUTTON CARCASSES AND CUTS AT  
WHOLESALE AND RETAIL

ARIZONA DESIGNATED AS CRITICAL AREA

Pursuant to § 1364.155 (b) of Revised Maximum Price Regulation No. 239, I find that a critical shortage of meat has occurred in the State of Arizona because of the unavailability of customary sources of supply and because the established maximum prices do not contain a sufficient allowance to cover the cost of transporting meat to that area from other sources of supply. The State of Arizona is hereby designated a critical area, and the Regional Administrator for the VIIIth region, or any District Manager authorized by him, may in writing authorize sellers to charge and receive, for lamb and mutton carcasses and wholesale and hotel supply cuts sold to buyers in the State of Arizona, the actual added cost of transportation in addition to the applicable maximum price. The actual added cost of transportation shall be ascertained by reference to the point from which the meat originates; the distribution point at which the buyer takes actual physical possession of the meat or from which local delivery to the buyer begins; the manner in which and the rate at which the meat is shipped by the seller to such point; the maximum price which the seller could charge on such a sale in the absence of any adjustment; and the difference between the amount allowed for transportation in such maximum price and the transportation expense incurred by the seller.

This designation shall remain in effect to and including June 12, 1943, unless sooner terminated or unless extended by amendment to this order.

This order may be revoked or amended at any time. This order shall become effective April 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5687; Filed, April 10, 1943;  
4:47 p. m.]

[Order 1 of Commodity Practices Reg. 1]

GEORGE J. KELLY, INC.

ADJUSTMENT OF MAXIMUM PRICE

Order No. 1 under § 1386.5 of Commodity Practices Regulation No. 1—Bar or Package Soaps or Cleansers.

For the reasons set forth in an opinion issued simultaneously herewith, it is ordered:

(a) On and after April 12, 1943, George J. Kelly, Inc., a corporation of Lynn, Massachusetts, may offer for sale, sell and deliver saddle soap manufactured by it in glass jars containing 2.75 ounces in any market area in which it sold or offered for sale such saddle soap in 2.5 ounce tin cans during the thirty day period ending July 17, 1942.

(b) The maximum prices charged by George J. Kelly, Inc., for its saddle soap when sold in 2.75 ounce glass jars shall not exceed 110 per cent of its maximum selling price as established under the General Maximum Price Regulation for sales of its saddle soap in 2.5 ounce tin cans.

(c) Resellers of saddle soap in 2.75 ounce glass jars manufactured by George J. Kelly, Inc., may charge not to exceed 110 per cent of their maximum selling price as established under the General Maximum Price Regulation for sales by them of such soap in 2.5 ounce tin cans.

(d) George J. Kelly, Inc., shall notify or cause to be notified all resellers of its saddle soap of the terms of this order within thirty days from April 12, 1943.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective April 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5688; Filed, April 10, 1943;  
4:49 p. m.]

[General Order 50]

RESTAURANTS AND SIMILAR ESTABLISHMENTS

DELEGATION OF AUTHORITY TO FIX MAXIMUM PRICES

Filing of prices by restaurants and similar establishments; delegation of authority to fix maximum prices.

Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended (and particularly section 202 thereof), and Executive Order No. 9250, it is hereby ordered:

(a) *Filing of menus.* On or before May 1, 1943, every proprietor of a restaurant, hotel, cafe, dining car, bar, delicatessen, soda fountain, catering business, or other eating or drinking place, shall file with the War Price and Rationing Board for the area in which each of his places is located a true copy of each menu, bill of fare, or other price list of food items, including beverages, and meals (called "menu") in use at that place during the seven-day period beginning Sunday, April 4, 1943 and ending April 10, 1943. If no menu was in use in that period, or if the menus in use did not list all food items or meals then offered, the "proprietor" shall file with the Board a list in menu form showing the prices which he charged during the seven-day period for food items or meals which are not shown on any menus he may file hereunder. Each menu or list so filed shall be signed by the proprietor or by one of his responsible officers or employees. A copy of each such menu or list shall be retained by the proprietor. Proprietors of railroad dining cars shall file with the Services and Consumer Durable Goods Division, Office of Price Administration, Washington, D. C.

(b) *Filing by new proprietors.* The proprietor of an eating or drinking place which was not open during all of the seven-day period (including newly-opened places) shall file menus or a price list in accordance with paragraph (a), except that (1) the filing shall be for the seven-day period beginning with the first Sunday that place is open after April 4, 1943 and (2) the filing shall be made within three weeks of such first Sunday.

(c) *Customary records.* Each proprietor shall preserve all his existing records relating to the prices, costs and sales of food items, meals and beverages. He shall also continue to prepare and maintain such records as he ordinarily kept. All such records shall be kept available for examination by the Office of Price Administration.

(d) *Future records.* Each proprietor shall keep for examination by the Office of Price Administration two of each of the menus used by him for each meal each day. If he does not use menus, he shall prepare and keep for such examination a daily record, in duplicate, of the prices charged by him for food items and meals, except that he need not record prices which are the same as, or less than, prices he previously recorded for the same items or meals. A proprietor who has customarily used menus shall continue to do so.

(e) *Authority of regional administrator to fix maximum prices.* Each regional administrator of the Office of Price Administration is hereby authorized to issue orders, in accordance with the provisions of the Emergency Price Control Act of 1942, as amended, establishing maximum prices for meals, food items and beverages. Such orders or regulations may establish maximum prices at or in line with the prices

charged during the seven-day period beginning April 4, 1943, reduce prices below such levels if the prices charged during that period were abnormally high, and may require or authorize other appropriate action in accordance with the above standards. This authority may be delegated by such regional administrators by order, to any State Director or District Manager of the Office of Price Administration. Any order or other action taken by the Regional Administrator or any person duly authorized by him in accordance with this general order shall have the same force and effect as if issued by the Price Administrator.

(f) *Authority of local war price and rationing boards.* Each regional administrator may instruct any or all of the War Price and Rationing Boards in the region to receive complaints from the public, investigate prices charged by proprietors, hold hearings on prices charged by proprietors either on complaint or on its own motion and make appropriate recommendations to its district office.

(g) *Geographical application.* This order applies to the United States, including the District of Columbia, but not to its territories and possessions.

(h) *Definitions.* (1) "Proprietor" means a person who owns or operates a restaurant, hotel, cafe, dining car, bar, delicatessen, soda fountain, catering business, or other eating or drinking place.

(2) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(3) "Food item" means an article or portion of food (including beverages) sold or served by an eating or drinking place for consumption in or about the place or to be taken out for eating without change in form or additional preparation. It includes two or more kinds of food which are prepared or served to be eaten together as one dish, such as ham and eggs, bread and butter, apple pie and cheese.

(4) "Meal" means a combination of food items sold at a single price, such as a five-course dinner, a club breakfast, a blue-plate special.

This order shall become effective April 12, 1943.

NOTE: The specific reporting and record keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 12th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5717; Filed, April 12, 1943; 11:51 a. m.]

[Amendment 2 to Order 8 Under MPR 169]

ARMOUR & COMPANY

EXEMPTION FROM CERTAIN PROVISIONS

Amendment No. 2 to Order No. 8 under Maximum Price Regulation No. 169—

Beef and Veal Carcasses and Wholesale Cuts.

An opinion accompanying this amendment to Order No. 8 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

1. Paragraph (a) is amended by adding the following sentence:

(a) \* \* \* The applications for adjustment filed by Armour & Company of Delaware, Union Stock Yards, Chicago, Illinois, under Docket Numbers 3169-118, 3169-131 and 3169-132, involving deliveries to the United States Army of cooked salami (government specifications) shall be treated as applications for the establishment of a maximum price in accordance with § 1364.52 (j) of Maximum Price Regulation No. 169. Armour & Company of Delaware shall, within forty-five days from the effective date of this amendment, file with the Secretary of the Office of Price Administration the information required for such an application by § 1364.52 (j) of Maximum Price Regulation No. 169.

2. Paragraph (b) is further amended by adding the following sentence:

(b) \* \* \* With respect to deliveries made by Armour & Company of Delaware, of Chicago, Illinois (Docket Numbers 3169-118, 3169-131 and 3169-132) of cooked salami (government specifications), the applicant shall not be required to make any refund to the purchaser, of any sums received for such item, until the Administrator shall have finally disposed of the applicant's petition for the establishment of a maximum price for such item. If the maximum price to be established for such item shall be lower than the price received by the applicant under its contracts with the United States Army (Docket Numbers 3169-118, 3169-131 and 3169-132), the applicant will be required to refund the difference.

This Amendment No. 2 to Order No. 8 under Maximum Price Regulation No. 169 shall become effective this 13th day of April 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7871)

Issued this 12th day of April 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-5719; Filed, April 12, 1943; 11:50 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-622]

EASTON TRANSIT CO. ET AL.

### ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 8th of April, A. D. 1943.

It the matter of Easton Transit Company, Lehigh Valley Transit Company, National Power & Light Company.

National Power & Light Company ("National"), a registered holding company, and its subsidiaries, Easton Transit Company ("Easton"), and Lehigh Valley Transit Company ("Lehigh"), having filed a joint application and declaration pursuant to the Public Utility Holding Company Act of 1935, and the rules and regulations promulgated thereunder, relating to (a) the proposal of National to surrender for cancellation to Easton as a capital contribution 41,000 shares of the 43,000 shares of outstanding capital stock of Easton, having a par value of \$50.00 per share, now owned by National; (b) the proposal of Easton to accept for cancellation said 41,000 shares of its capital stock and to credit capital surplus with the aggregate par value thereof in the amount of \$2,050,000; (c) the proposal of Easton to write off against said capital surplus the deficit in its earned surplus account of \$2,046,511.52 at August 31, 1942; and (d) the proposal of National to sell to Lehigh and of the latter to acquire the remaining 2,000 shares of the capital stock of Easton for a consideration of \$10,000 in cash; and

Said joint application and declaration having been filed on the 6th day of November, 1942, and the last amendment thereto having been filed on the 24th day of March, 1943, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said joint application and declaration within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the proposed sale by National to Lehigh of the securities hereinabove described is a step in compliance with the order of the Commission dated August 23, 1941, issued pursuant to the provisions of section 11 (b) (2) of the Act, directing the dissolution of National, and is not in contravention of the provisions of the Act, or any rules or regulations promulgated thereunder, that the proposed transactions satisfy the requirements of sections 10 and 12 of the Act and Rules U-43 and U-45 promulgated thereunder and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers to approve said application and to permit said declaration to become effective;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed under Rule U-24, that said joint application be, and the same hereby is, approved and that said joint declaration be, and the same hereby is, permitted to become effective forthwith.

It is further ordered, That the sale and transfer by National to Lehigh of said 2,000 shares of the capital stock of Easton are necessary and appropriate to effectuate the provisions of section

11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 43-5653; Filed, April 10, 1943;  
11:32 a. m.]

[File No. 70-685]

#### HOUSTON GULF GAS COMPANY

#### ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 8th day of April, A. D. 1943.

Houston Gulf Gas Company ("Houston Gulf"), an indirect subsidiary of United Gas Corporation, a subsidiary of Electric Power & Light Corporation, which in turn is a subsidiary of Electric Bond and Share Company, both registered holding companies, having filed a declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a), 7 and 12 thereof and Rule U-42 promulgated thereunder, concerning the following transactions:

1. The issue and sale by Houston Gulf of its promissory note dated on or about April 15, 1943, in the principal amount of \$600,000 bearing interest at the rate of 2 percent per annum, payable six months from the date thereof to the First National Bank of Boston. Houston Gulf will use the cash proceeds therefrom to construct natural gas transmission facilities and make changes in existing equipment to enable Houston Gulf to convey to Defense Plant Corporation for a cash purchase price of \$2,625,000 its 14" and 16" natural gas transmission line extending from Refugio, Texas, to Pierce Junction, Texas, for conversion into an oil pipe line. Houston Gulf will use part of the proceeds of the sale of its transmission line for the payment and retirement of its \$600,000 note described above.

2. The issue and sale by Houston Gulf of a 2½% note in the principal amount of \$1,500,000 payable in semi-annual installments of \$300,000 and maturing on August 29, 1945, to the First National Bank of Boston. This note, together with a like principal amount of cash of the proceeds of the sale of its pipe line described above, will be used to prepay to the First National Bank of Boston the unpaid balance of \$3,000,000 on Houston Gulf's 2½% note in the principal amount of \$6,000,000 dated August 29, 1940, and maturing August 29, 1945, which will be surrendered and cancelled.

Said declaration having been filed on March 10, 1943 and the last of said amendments having been filed thereto on April 2, 1943, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act and the Commission not having received a request for a hearing with respect to said declaration within the period prescribed in said

notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that all applicable statutory requirements are met and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration as amended to become effective;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid declaration, as amended, be, and hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 43-5652; Filed, April 10, 1943;  
11:32 a. m.]

[File No. 59-59]

#### AMERICAN STATES UTILITIES CORP., ET AL.

#### ORDER REQUIRING LIQUIDATION

In the matter of American States Utilities Corporation, Edison Sault Electric Company, Southern California Water Company, Grimes Pass Power Company, respondents.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 9th day of April, A. D. 1943.

The Commission having on March 16, 1943, instituted proceedings under sections 11 (b) (1) and 11 (b) (2) of the Public Utility Holding Company Act of 1935 with respect to American States Utilities Corporation, a registered holding company, and its three subsidiary companies, Edison Sault Electric Company, Southern California Water Company, and Grimes Pass Power Company;

American States Utilities Corporation, Edison Sault Electric Company, Southern California Water Company, and Grimes Pass Power Company, having filed, on March 23, 1943, an answer admitting all of the allegations set forth in the notice of and order for hearing instituting such proceedings and having consented in such answer to the entry by the Commission of an order under section 11 (b) (2) of said Act that American States Utilities Corporation liquidate and dissolve;

A public hearing having been held after appropriate notice, and the Commission having examined the record and having made and filed its findings and opinion herein, which findings and opinion include that the continued existence of American States Utilities Corporation unduly and unnecessarily complicates the structure of the holding company system of which it is a part;

It is ordered, Pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935, that American States Utilities Corporation shall take such action as may be necessary to cause its liquidation and dissolution; and

It is further ordered, That American States Utilities Corporation, Edison Sault Electric Company, Southern California

Water Company, and Grimes Pass Power Company, respondents herein, shall proceed with due diligence to submit to this Commission a plan to effect prompt compliance with the foregoing order pursuant to section 11 (b) (2) of said Act and shall take such steps as may be necessary or appropriate to effectuate this order; and

It is further ordered, That jurisdiction be, and the same hereby is, reserved for the purpose of considering any and all plans for compliance with the action hereinbefore ordered, for the purpose of entering such further orders as may be necessary or appropriate to ensure that the action hereinbefore ordered is accomplished in a manner consistent with the public interest and with the provisions of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 43-5654; Filed, April 10, 1943;  
11:32 a. m.]

[File No. 59-10]

#### THE NORTH AMERICAN COMPANY AND ITS SUBSIDIARY COMPANIES

#### MODIFICATION OF ORDER SEVERING RELATIONSHIP BETWEEN NORTHERN NATURAL GAS CO. AND ARGUS NATIONAL GAS CO.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of April, 1943.

The Commission having issued an order on April 14, 1942 in the above styled and numbered proceeding which provided in part:

It is ordered, Pursuant to section 11 (b) (1):

5. That Northern Natural Gas Company, a registered public utility holding company, shall sever its relationship with the company named hereafter by disposing or causing the disposition, in any appropriate manner not in contravention of the applicable provisions of the said Act or the rules and regulations promulgated thereunder, of its direct and indirect ownership, control and holding of securities issued and properties owned, controlled or operated by: Argus Natural Gas Company;

And the Commission having entered a supplemental order on June 25, 1942 pursuant to the petition of Northern Natural Gas Company, a registered holding company, which provided in part:

It is ordered, For the reasons set forth in the said opinion, that the said petitions be, and the same hereby are, denied, except insofar as hereinafter set forth:

The petition of Northern Natural Gas Company having indicated the existence of evidence respecting the retainability of certain pipe line facilities owned by its subsidiary, Argus Natural Gas Company, Inc., which evidence was not before the Commission in the course of the original proceedings herein, and the Commission in its discretion deeming it advisable to afford to Northern Natural Gas Company an opportunity to present such

further evidence for inclusion in the record herein;

It is further ordered, That the record be reopened and a hearing convened at a date to be set by further order of the Commission for the limited purpose of receiving such evidence as \* \* \* Northern Natural Gas Company may proffer with respect to the retention and operation of said oil and pipe line facilities, respectively, and the evidence to be introduced shall be limited to those issues, as more fully set forth in the said opinion.

and;

The record in said proceeding having been reopened, a hearing convened and additional evidence offered; and the Commission having considered all of the evidence in the record and having made and filed its findings and opinion in the matter;

It is ordered, That paragraph numbered 5 in our order of April 14, 1942 in the above styled and numbered proceeding, which paragraph is set forth in the first quotation above, be modified to read as follows:

5. That Northern Natural Gas Company, a registered public utility holding company, shall sever its relationship with the company named hereafter by disposing or causing the disposition, in any appropriate manner not in contravention of the applicable provisions of the said Act or the rules and regulations promulgated thereunder, of its direct and indirect ownership, control and holding of securities issued and properties owned, controlled or operated by: Argus Natural Gas Company;

Provided, however, That Northern Natural Gas Company shall be permitted to retain in its system, in any appropriate manner not in contravention of the applicable provisions of the said Act and of the rules and regulations promulgated thereunder, the transmission, branch and gathering lines and town border stations now owned by said Argus Natural Gas Company.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 43-5700; Filed, April 12, 1943;  
9:54 a. m.]

[File No. 59-10]

THE NORTH AMERICAN COMPANY AND ITS  
SUBSIDIARY COMPANIES

NOTICE OF FILING OF PETITION BY ILLINOIS  
IOWA POWER CO. AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of April, 1943.

The Commission having entered its order herein on April 14, 1942, pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 directing The North American Company and certain of its subsidiary companies to take various steps in order to comply with the provisions of section 11 (b) (1) of said Act;

Notice is hereby given that on March 29, 1943, Illinois Iowa Power Company, one of the respondents herein, filed a

petition requesting the entry of an order by this Commission under section 11 (c) of the Act extending for one year the time within which to comply with the order of April 14, 1942, above described.

All interested persons are referred to said petition which is on file in the office of the Commission for full details concerning the petition.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held for the purpose of considering said petition and for other purposes;

It is ordered, That a hearing in this proceeding be held at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, at 11:00 a. m., e. w. t., on the 26th day of April 1943, in such room as may be designated on such day by the hearing room clerk.

All persons desiring to be heard or otherwise wishing to participate should notify the Commission in the manner provided by the Commission's rules of practice, Rule XVII, on or before April 20, 1943.

At said hearing there will be considered (1) whether Illinois Iowa Power Company has exercised due diligence in its efforts to comply with the Commission's order of April 14, 1942, and (2) whether an extension of time for compliance with said order is necessary or appropriate in the public interest or for the protection of investors or consumers.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing above ordered. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a Trial Examiner under the Commission's rules of practice.

It is further ordered, That the Secretary of this Commission shall serve notice of this order by mailing a copy thereof by registered mail to The North American Company, North American Light & Power Company, Illinois Traction Company and to Illinois Iowa Power Company and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 43-5701; Filed, April 12, 1943;  
9:54 a. m.]

[File Nos. 70-698, 70-701]

NEW ENGLAND PUBLIC SERVICE CO. AND NEW  
YORK POWER & LIGHT CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 10th day of April, 1943.

Notice is hereby given that declarations or applications (or both) have been filed with this Commission pursuant to

the Public Utility Holding Company Act of 1935 by the above-named parties; and

Notice is further given that any interested person may, not later than April 23, 1943 at 5:30 p. m., request the Commission in writing that a hearing be held on such matters, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declarations or applications, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the rules and regulations promulgated pursuant to said Act, or the Commission may exempt such transaction, as provided in Rule U-20 (a) and Rule U-100 thereof. Any such request should be addressed to the Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declarations or applications, which are on file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized as follows:

New York Power and Light Corporation is a subsidiary company of Niagara Hudson Power Corporation, in turn a subsidiary company of The United Corporation, a registered holding company. The Twin State Gas & Electric Company is a subsidiary company of New England Public Service Company, in turn a subsidiary company of Northern New England Company, both of the latter being registered holding companies. The Twin State Gas & Electric Company proposes to sell to New York Power and Light Corporation, and the latter corporation proposes to acquire, an electrical distribution system and incidental assets owned by The Twin State Gas & Electric Company in the town of Hoosick and the village of Hoosick Falls, New York, at a price of \$183,863 plus an amount equal to the fair value of the materials and supplies, accounts and bills receivable, including energy metered but not billed, plus the amount of consumers' deposits, all as of December 31, 1942.

Proceeds of sale amounting to \$183,863 will be deposited by The Twin State Gas & Electric Company with the trustee under its mortgage dated March 2, 1925, and will either be used in the redemption and retirement of its bonds or be withdrawn against additional property in accordance with its mortgage and used to reduce its bank debt.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 43-5702; Filed, April 12, 1943;  
9:54 a. m.]

[File Nos. 54-51, 59-67]

NATIONAL POWER & LIGHT CO., ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 10th day of April A. D. 1943.

In the matter of National Power & Light Company, File No. 54-51 and Caro-

lina Power & Light Company, National Power & Light Company, and Electric Bond and Share Company, File No. 59-67.

# I

Notice is hereby given that an application and an amendment thereto have been filed with this Commission by National Power & Light Company ("National"), a registered holding company, pursuant to the provisions of the Public Utility Holding Company Act of 1935 for authority to consummate certain transactions as further steps in compliance with the order of this Commission dated August 23, 1941, issued pursuant to the provisions of section 11 (b) (2) of the Act, directing the dissolution of National. All interested persons are referred to said application, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

National proposes to sell a portion of its assets consisting of 242,664 shares (no par value) of common stock of Houston Lighting & Power Company and 16,806 shares (no par value) of \$7 preferred stock of Carolina Power & Light Company, and to use the proceeds realized therefrom, together with other available funds, to retire 150,000 shares of its preferred stock, constituting the entire amount thereof outstanding, by payment to the holders thereof of cash in the amount of \$100 per share and accumulated dividends thereon to the date fixed for retirement.

It is stated that National has under consideration the advisability of requesting an order, pursuant to sub-paragraph (a) (6) of Rule U-50, exempting the proposed sale of said shares of Houston Lighting & Power Company common stock from the competitive bidding requirements of paragraphs (b) and (c) of Rule U-50, and that National reserves the right to apply for such order of exemption at or prior to the hearing scheduled to be held on the proposed transactions summarized above.

# II

The Commission has data in its official files and records relating to Carolina Power & Light Company, National and Electric Bond and Share Company, establishing or tending to establish the following matters:

1. Carolina Power & Light Company ("Carolina") is a corporation organized under the laws of the State of North Carolina which maintains its principal office in the City of Raleigh, State of North Carolina. It is an electric utility company within the meaning of section 2 (a) (3) of the Public Utility Holding Company Act of 1935, and a "public utility" as that term is defined in the Federal Power Act. Carolina is a subsidiary of National, which is in turn a subsidiary of Electric Bond and Share Company ("Bond and Share"), a registered holding company under the Act.

2. Carolina was organized on April 6, 1926 by a merger and consolidation of Carolina Power & Light Company (old), Pigeon River Power Company, Asheville

Power & Light Company, Carolina Power Company and Yadkin River Power Company. Each of the constituent companies named was at the time of said merger and consolidation controlled, directly or indirectly, by National and through National by Bond and Share. Since the date of organization Carolina has been and still is controlled directly by National and through National by Bond and Share.

3. A condensed balance sheet of Carolina per books at December 31, 1942, after giving effect to the adjustments authorized by the Order of this Commission dated December 15, 1942, and referred to in paragraph "8" hereof, was as follows:

| ASSETS AND OTHER DEBITS                                   |              |
|---|--------------|
| Plant and property.....                                   | \$85,080,275 |
| Investment and fund accounts.....                         | 116,205      |
| Current and accrued assets.....                           | 5,676,586    |
| Deferred debits.....                                      | 466,234      |
| Reacquired capital stock (499 shares, \$6 Preferred)..... | 49,900       |
| Total assets and other debits.....                        | 91,389,200   |
| LIABILITIES AND OTHER CREDITS                             |              |
| Current liabilities.....                                  | \$5,091,598  |
| Contributions in aid of construction.....                 | 46,196       |
| Reserves:   |              |
| Property retirement.....                                  | \$7,850,773  |
| Contingencies.....  | 865,832      |
| Other.....  | 367,416      |
| Deferred credits:   |              |
| Unamortized premium on debt.....                          | 1,256,720    |
| Other deferred credits.....                               | 251,206      |
| Long term debt.....                                       | 1,507,926    |
| Preferred stock.....                                      | 45,545,000   |
| Preferred stock (owned by parent).....                    | 17,400,700   |
| Common stock (owned by parent).....                       | 1,680,600    |
| Earned surplus.....                                       | 10,000,000   |
|   | 1,033,154    |
| Total liabilities and other credits.....                  | 91,389,200   |

4. The outstanding preferred stocks of Carolina consist of 110,359 shares of \$7 Preferred Stock and 80,454 shares of \$6 Preferred Stock, both of which rank equally as to all rights, privileges, preferences and priorities, except as to the rate of dividends payable thereon. In any distribution of assets, other than by dividends from surplus or profits, the \$7 Preferred Stock and \$6 Preferred Stock have a preference over the common stock to the extent of \$100 per share plus unpaid cumulative dividends. Each class of preferred stock is redeemable, in whole or in part, at \$110 per share plus unpaid cumulative dividends thereon to the date of redemption. Each share of common stock and preferred stock outstanding is entitled to one vote. No additional voting power is conferred upon the preferred stocks in the event of arrearages in dividends thereon.

5. Of the outstanding securities of Carolina, National owns all of the common stock and 16,806 shares of the \$7 Preferred Stock, 15,000 shares thereof having been acquired by National in the manner set forth in paragraphs 19 to 22, inclusive, hereof.

6. On December 29, 1942, the Federal Power Commission, in a proceeding arising under the Federal Power Act entitled "In the Matter of Carolina Power & Light Company, Docket No. IT-5701", entered an order requiring Carolina to make the accounting adjustments hereinafter set forth and to take the action hereinafter described with respect to the reclassification and original cost study of its Electric Plant Account, in order to comply with the requirements of the Uniform System of Accounts prescribed by that Commission for public utilities and licensees under the Federal Power Act.

7. The order of the Federal Power Commission referred to in paragraph 6 hereof provides, in substance, that:

(a) Carolina classify the amount of \$18,648,438 in Account 107, Electric Plant Adjustments, and dispose of such amount by: (i) a charge of \$13,643,100 to Account 270, Capital Surplus, created through the surrender by National of 1,442,609 shares of Carolina's common stock, and (ii) by a net charge of \$5,005,338 to Account 271, Earned Surplus;

(b) Carolina transfer from Account 107 to Account 100.6, Electric Plant in Process of Reclassification, the amount of \$2,857,705 (consisting of \$1,391,964, claimed by Carolina as an excessive write-off of plant account in connection with the sale of gas and other properties, and \$1,465,741 claimed by Carolina as a part of the original cost of the so-called Rockingham hydro project) pending a restudy of said amount of \$2,857,705 for the purpose of submitting additional data respecting such claims;

(c) Carolina prepare and submit to the Federal Power Commission not later than January 1, 1944 revised reclassification of accounts and original cost studies with respect to an amount of \$70,333,875, representing the balance of its recorded or book cost of electric plant as of January 1, 1937, after classifying \$18,648,438 in Account 107.

8. Prior to the entry of the order of the Federal Power Commission referred to in paragraph 6 hereof, and on December 15, 1942 in a proceeding entitled "In the Matter of Carolina Power & Light Company et al., File No. 70-603", this Commission entered an order (Holding Company Act Release No. 3995) permitting to become effective a joint declaration filed by Carolina and National with respect to the surrender for cancellation by National of 1,442,609 shares of common stock of Carolina as a capital contribution to the latter, and the reduction of Carolina's common capital to \$10,000,000, to eliminate a deficit in earned surplus which would result from the write-down of plant account in the amount of \$18,648,438, and certain other adjustments in the accounts of Carolina. Said order of this Commission reserved jurisdiction to determine in appropriate proceedings under applicable provisions of the Act:

(a) Whether it is necessary or appropriate in the public interest or for the protection of investors or consumers to require Carolina Power & Light Company to make further adjustments in its accounts;

(b) Whether it is necessary or appropriate to prohibit the declaration or payment by Carolina Power & Light Company of dividends on its common stock in order to protect the financial integrity, or safeguard the working capital of Carolina Power & Light Company, to prevent the payment of dividends out of capital or unearned surplus, or to prevent the circumvention of the pro-

visions of the Act or any rules, regulations or orders thereunder; and

(c) Whether it is necessary or appropriate to require Carolina Power & Light Company to revise its capital structure for the purpose of fairly and equitably distributing voting power among its security holders, and whether in such revision of the capital structure of Carolina Power & Light Company, the 16,806 shares of \$7 preferred stock of Carolina Power & Light Company held by National Power & Light Company should be converted into common stock of Carolina Power & Light Company, or be otherwise subordinated to its publicly held securities.

9. On or about February 24, 1943 the accounting adjustments set forth in paragraph 7 hereof were made and entered upon the books of Carolina as of January 1, 1942.

10. After giving effect to the accounting adjustments set forth in paragraph 7 hereof, the plant, property and equipment account of Carolina, as stated on its balance sheet as of December 31, 1942 is \$65,080,275.

11. The book amount of the reserve for property retirement and depreciation

of Carolina as of December 31, 1942 is \$7,850,778, or 9.2% of the gross book amount of its plant, property and equipment.

12. The book amount of the reserve for property retirement and depreciation of Carolina as of December 31, 1942 is approximately \$15,831,125 less than such reserve would have been had Carolina and its predecessors accrued for property retirement and depreciation amounts equal to the sums allowed or claimed for depreciation for Federal income tax purposes.

13. The following table indicates the effect upon Carolina's capital structure of adjusting the reserve for property retirement and depreciation to increase said reserve by the difference of \$15,831,125 between the amounts allowed or claimed by Carolina and its predecessors for depreciation for Federal income tax purposes and the amounts accrued for property retirement and depreciation on the books of Carolina and its predecessors, as set forth in paragraph 12 hereof.

|  | As at Dec. 31, 1942 |         |              |         |
|--|---------------------|---------|--------------|---------|
|  | Per books           |         | Adjusted     |         |
|  | Amount              | Percent | Amount       | Percent |
| LONG TERM DEBT                         |                     |         |              |         |
| First mortgage bonds, 3½'s, 1945       | \$45,540,000        | 60.2    | \$45,540,000 | 76.1    |
| Miscellaneous                          | 5,000               |         | 5,000        |         |
| Total long term debt                   | 45,545,000          | 60.2    | 45,545,000   | 76.1    |
| PREFERRED STOCK                        |                     |         |              |         |
| \$7 Preferred Stock (public)           | 9,355,300           | 12.4    | 9,355,300    | 15.6    |
| \$7 Preferred Stock (parent)           | 1,080,000           | 2.2     | 1,080,000    | 2.8     |
| \$6 Preferred Stock (public)           | 8,045,400           | 10.6    | 8,045,400    | 13.5    |
| Total preferred stock                  | 19,081,300          | 25.2    | 19,081,300   | 31.9    |
| COMMON STOCK AND SURPLUS               |                     |         |              |         |
| Common stock, no par, 1,057,391 shares | 10,000,000          | 13.2    | 10,000,000   | 16.7    |
| Surplus (Deficit)                      | 1,033,154           | 1.4     | (14,797,971) | (24.7)  |
| Total common stock and surplus         | 11,033,154          | 14.6    | (4,797,971)  | (8.0)   |
| Total capitalization and surplus       | 75,659,454          | 100.0   | 59,828,229   | 100.0   |

( ) Denotes red figures.

No. 72—9

14. The distribution of voting power among the various classes of stockholders of Carolina is as follows:

|                              | Votes     | Percent |
|------------------------------|-----------|---------|
| \$6 Preferred stock (public) | 80,454    | 6.5     |
| \$7 Preferred stock (public) | 93,553    | 7.5     |
| \$7 Preferred stock (parent) | 16,806    | 1.3     |
| Common stock (parent)        | 1,057,391 | 84.7    |
| 1499 shares held in treasury | 1,248,204 | 100.0   |

15. The ratio of debt to net property as of December 31, 1942 was 59% after adjustments authorized by the order of

this Commission dated December 15, 1942, and 74.2% after the adjustments noted in paragraph 13 hereof.

16. The earnings available for dividends on the common stock of Carolina for the years 1926 to 1942, inclusive, and the amount of common stock dividends paid to National during said period, and the excess of the sum allowed or claimed for depreciation for Federal income tax purposes over the book amount of accruals for property retirements and depreciation for the years 1926 to 1942, inclusive, were as follows:

| Year             | Net income available for common stock | Common stock dividends paid | Balance   | Excess of depreciation allowed or claimed for tax purposes over book accruals for property retirements and depreciation |
|------------------|---------------------------------------|-----------------------------|-----------|---|
| 1926 (4/6-12/31) | \$853,114                             | \$346,812                   | \$506,302 | \$103,781   |
| 1927             | 1,253,266                             | 600,000                     | 653,266   | 262,631   |
| 1928             | 1,296,390                             | 825,000                     | 471,390   | 423,332   |
| 1929             | 1,374,266                             | 825,000                     | 549,266   | 547,250   |
| 1930             | 915,467                               | 775,000                     | 140,467   | 610,567   |
| 1931             | 164,830                               | 600,000                     | (435,170) | 847,773   |
| 1932             | (182,664)                             | 600,000                     | (307,664) | 887,714   |
| 1933             | (257,680)                             | 125,000                     | (257,680) | 882,432   |
| 1934             | 141,727                               | ---                         | 141,727   | 854,120   |
| 1935             | 307,012                               | ---                         | 307,012   | 836,221   |
| 1936             | 860,129                               | ---                         | 860,129   | 828,559   |
| 1937             | 1,309,444                             | 300,000                     | 1,009,444 | 742,825   |
| 1938             | 1,043,891                             | 400,000                     | 643,891   | 812,401   |
| 1939             | 1,043,891                             | 400,000                     | 643,891   | 1864,825  |
| 1940             | *1,873,563                            | 600,000                     | 1,273,563 | 1905,436  |
| 1941             | 1,745,306                             | 600,000                     | 1,145,306 | 773,003   |
| 1942             | 1,034,857                             | 600,000                     | 434,857   | 1685,000  |
| Totals           | 14,907,020                            | 7,196,812                   | 7,710,208 | 11,610,603  |

\* After eliminating effect of non-recurring tax saving due to writing off of bond discount.

† Claimed or estimated.

( ) Denotes red figures.

17. If the earnings for the years 1926 to 1942, inclusive and adjusted to reflect accruals for property retirement and depreciation on the same basis as allowed or claimed for Federal income tax purposes, the amount of dividends paid on the common stock of Carolina during such period would have exceeded the earnings available therefor by \$3,900,400.

18. On November 4, 1925, Carolina Power & Light Company (old) had outstanding 47,875 shares of common stock

with a stated value of \$100 per share; 15,608 shares of said common stock were owned by Bond and Share and 5,389 shares thereof were owned by interests affiliated with Bond and Share. The shares of common stock of Carolina (old) owned by Bond and Share were acquired by it at a cost of \$349,179 and at November 4, 1925 were carried in its investment account at \$1,092,500. On November 4, 1925, National Power & Light Company (old) had outstanding 122,080

shares of common stock with a stated value of \$75 per share of which Bond and Share and interests affiliated with it owned 72,423 shares. Bond and Share controlled Carolina (old) and National (old).

19. On November 4, 1925 Bond and Share organized United Investors Securities Company ("United") which on November 7, 1925 made an offer to the common stockholders of Carolina (old) to exchange shares of common stock of United for shares of common stock of Carolina (old) on a share for share basis, and in connection therewith advised the common stockholders of Carolina (old) that United and National (old) had executed an agreement of consolidation and merger under the terms of which 15 shares of common stock of the consolidated company, National Power & Light Company (new), would be issued in exchange for each share of common stock of United or National (old). Pursuant to the exchange offer made to holders of common stock of Carolina (old) United acquired 47,521 shares of common stock of Carolina (old) and recorded the same in its investment account at \$500 per share, or a total of \$23,760,500. The market price of the common stock of Carolina (old) during the period from January, 1924 to November 30, 1925 ranged from a low of \$76 a share to a high of \$415 per share.

20. On November 4, 1925 United and National (old) executed an agreement of consolidation and merger to form National Power & Light Company (new). Said consolidation and merger became effective on December 7, 1925. Pursuant to the terms thereof each share of preferred stock of National (old) was exchanged for one share of \$7 preferred stock of National (new) and each share of common stock of National (old) and each share of common stock of United, respectively, was exchanged for 15 shares of common stock of National (new). By virtue of such consolidation and merger National (new) acquired 47,521 shares of Carolina (old) theretofore held by United and recorded the same in its investment account at \$500 per share, or \$23,760,500. Subsequent to said consolidation and merger National (new) acquired 115 additional shares of common stock of Carolina (old).

21. All of the shares of common stock of Carolina (old) acquired by National (new) in the manner alleged in paragraph 20 hereof, excepting 15 shares thereof, 47,621 shares), were transferred by National (new) on December 8, 1925, together with other assets acquired by it at a cost of approximately \$4,600,000 to Pigeon River Power Company, its wholly owned subsidiary which owned certain land and water rights but was at the time inactive and without income. In exchange therefor Pigeon River Power Company issued to National (new) 2,500,000 shares of common stock, 15,000 shares of \$7 preferred stock and \$3,000,000 principal amount of 6% notes. The common stock of Carolina (old) so acquired by Pigeon River Power Company was recorded in its investment account at \$500 per share, or \$23,810,500.

22. Pursuant to an agreement of merger and consolidation dated February 24, 1926, which became effective on April 6, 1926, Pigeon River Power Company, Carolina (old), and three of the latter's subsidiaries (Asheville Power & Light Company, Carolina Power Company and Yadkin River Power Company) were merged and consolidated to form Carolina (new). Under the terms of the agreement of merger and consolidation National received 15,000 shares of Carolina (new) \$7 preferred stock in exchange for 15,000 shares of \$7 preferred stock of Pigeon River Power Company, 75 shares of Carolina (new) \$7 preferred stock in exchange for 15 shares of common stock of Carolina (old), and 2,500,000 shares of Carolina (new) common stock in exchange for a like number of shares of common stock of Pigeon River Power Company, and Carolina (new), assumed and in 1926 paid the \$3,000,000 6% note of Pigeon River Power Company held by National (new), as well as other indebtedness of Pigeon River Power Company to National (new) in the amount of \$329,498 with funds derived from the sale of bonds.

23. The agreement of merger and consolidation creating Carolina (new): *Provided*, That "... the capital of the new corporation shall be the capital of the constituent corporations, parties hereto, as ascertained and determined by consolidation of the balance sheets of the constituent corporations, with elimination of all inter-corporate holdings of stock of the constituent corporations, at the book value thereof, as shown by the capital stock account of the particular constituent corporation which shall have issued the same ..." Pursuant to the foregoing quoted provision of said agreement of merger and consolidation the common stock of Carolina (old) held by Pigeon River Power Company was eliminated from the consolidated accounts at its book value per share, and the difference between such book value per share and the amount per share (\$500) at which Carolina (old) common stock was carried in the investment account of Pigeon River Power Company (viz., approximately \$400 per share) remained in the capitalization of Carolina (new) and was balanced by a corresponding increase \$19,100,478 in the plant and property account of Carolina (new). Subsequently, pursuant to the order and direction of the Federal Power Commission referred to in paragraphs 6 and 7 hereof Carolina (new) removed such inflation from its electric plant account.

24. By reason of the transactions alleged in paragraphs "19" to "22", inclusive, hereof National by a net cash investment of an amount not in excess of \$1,265,000 (together with the issuance of 712,815 shares of its common stock in connection with its acquisition of 47,521 shares of Carolina (old) common stock) acquired 15,000 shares (no par value) of Carolina's \$7 preferred stock and 2,500,000 shares (no par value) of the common stock of Carolina.

25. The net plant of Carolina (new) at organization, after adjustments to re-

fect (a) the elimination of \$26,214,423 of inflationary items in the plant and property account (which items have since been eliminated) and (b) a restatement of the reserve for property retirement to increase the amount thereof by the difference of \$4,220,519 between the amounts allowed or claimed for depreciation for Federal income tax purposes and the book amount of the accruals for property retirement and depreciation, amounted to \$30,735,865. At organization of Carolina (new) its current liabilities exceeded its current assets by \$3,444,267, and there were deferred credits and miscellaneous reserves in the amount of \$585,665, leaving net assets in the amount of \$26,705,933. Against such net assets there were outstanding at organization bonds in the amount of \$15,780,500 and preferred stock in the amount of \$11,075,432, or total senior securities in the amount of \$26,855,932. Thus, the principal amount or liquidating value of the senior securities exceeded adjusted net assets by \$149,999. Consequently, at organization of Carolina (new) there was no equity for the common stock on the basis of adjusted net assets. The outstanding debt and preferred stock of Carolina at December 31, 1942 exceeded net assets (exclusive of deferred charges), as adjusted by the amount alleged in paragraph 12 hereof, by \$5,264,205; consequently at December 31, 1942, on the basis of adjusted net assets, no equity existed for the common stock, and the preferred stock capital was substantially impaired.

### III

It appearing to the Commission in the light of the allegations set forth in Part II hereof that it is appropriate in the public interest and in the interest of investors and consumers to institute proceedings against Carolina, National and Bond and Share under sections 11 (b) (2), 12 (c), 12 (f), 15 (f), and 20 (a) of the Public Utility Holding Company Act of 1935 in order to determine whether certain orders should be entered pursuant to the provisions of any of said sections, all as hereafter set forth; and

It further appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the application filed by National for authority to consummate the transaction hereinabove summarized as further steps in compliance with said order of the Commission dated August 23, 1941; and

It further appearing to the Commission that the said proceedings involve common questions of law and fact and should be consolidated and heard together:

*It is ordered*, That said proceedings pursuant to sections 11 (b) (2), 12 (c), 12 (f), 15 (f) and 20 (a) of the Public Utility Holding Company Act, and said proceeding with respect to the application filed by National for authority to consummate the transactions hereinabove summarized be, and the same hereby are, consolidated.

*It is further ordered*, That a hearing on such consolidated matters under the

applicable provisions of the Public Utility Holding Company Act of 1935 and the rules of the Commission thereunder be held on April 22, 1943 at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such date by the hearing room clerk.

*It is further ordered*, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing so ordered. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's rules of practice.

*It is further ordered*, That any person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission, on or before April 19, 1943, his request or application therefor as provided by Rule XVII of the rules of practice of the Commission.

*It is further ordered*, That without limiting the scope of the issues presented by said consolidated matters otherwise to be considered in this proceeding particular attention will be directed at the hearing to the following questions and matters:

1. Whether the proposed sale of 242,664 shares of common stock of Houston Lighting & Power Company and 16,806 shares of \$7 preferred stock of Carolina and retirement of 150,000 shares of \$6 preferred stock of National (a) constitute steps in compliance with the Order of the Commission dated August 23, 1941, issued pursuant to section 11 (b) (2) of the Act, directing the dissolution of National, (b) are fair and equitable to all classes of security holders affected thereby, and (c) are in conformity with the applicable provisions of sections 12 (c) and 12 (d) of the Act.

2. Whether the accounting entries proposed to be recorded on the books of National in connection with any or all of such proposed transactions are in conformity with the standards of the Act and all rules and regulations promulgated thereunder.

3. Whether the allegations set forth in paragraphs 1 to 25, inclusive, are true and accurate.

4. Whether it is necessary or appropriate to enter an order pursuant to sections 12 (c) and 12 (f) of the Act prohibiting or restricting the declaration or payment by Carolina of dividends on its common stock.

5. Whether voting power is unfairly and inequitably distributed among the security holders of Carolina, and if so, what action is necessary or appropriate to ensure a fair and equitable distribution of voting power among its security holders.

6. Whether it is necessary or appropriate that the 16,806 shares of \$7 preferred stock of Carolina owned by National be converted, in whole or in part, into common stock of Carolina.

*It is further ordered*, That upon the convening of the consolidated hearing above ordered the first issues to be considered shall be those specified above as issues (1) and (2).

*It is further ordered*, That jurisdiction be, and hereby is, reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues or questions which may arise in these proceedings, and to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

It appearing to the Commission that evidence bearing on the matters recited above, and upon the questions to be determined, is contained in the record of proceedings before the Commission entitled "In the Matter of Electric Bond and Share Company, et al., File No. 59-12", and "In the Matter of Carolina Power & Light Company, et al., File No. 70-603", and "In the Matter of Carolina Power & Light Company, File No. 70-52."

*It is further ordered*, That in the interest of expeditious procedure all evidence with respect to Carolina Power & Light Company, National Power & Light Company and Electric Bond and Share Company contained in the record of the proceedings entitled "In the Matter of Electric Bond and Share Company, File No. 59-12", and "In the Matter of Carolina Power & Light Company, et al., File No. 70-603", and "In the Matter of Carolina Power & Light Company, File No. 70-52", so far as relevant to the issues

above stated, shall be incorporated in the consolidated record of the proceeding herein ordered, and shall be regarded as evidence duly adduced in the present proceedings, subject to the same objections and exceptions preserved in the record of the proceeding in which first introduced.

*It is further ordered*, That the Secretary of the Commission shall serve notice of the entry of this order by mailing a copy thereof by registered mail to Carolina Power & Light Company, National Power & Light Company and Electric Bond and Share Company, and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL]

ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 43-5699; Filed, April 12, 1943;  
9:54 a. m.]

## WAR PRODUCTION BOARD.

[Certificate 51]

### COMMON CARRIERS OF PROPERTY BY MOTOR VEHICLE

#### TO THE ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning the formulation of plans for certain joint actions by common carriers of property by motor vehicle.<sup>1</sup>

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such recommendation or any order issued pursuant thereto requiring any of the joint actions specified therein is requisite to the prosecution of the war.

DONALD M. NELSON,  
Chairman.

APRIL 8, 1943.

[F. R. Doc. 43-5655; Filed, April 10, 1943;  
11:46 a. m.]

<sup>1</sup> 8 F.R. 4802.

